POPULAR SOVEREIGNTY

IN THE TERRITORIES.

28

THE DEMOCRATIC RECORD.

The purpose of this publication is simply to exhibit the Democratic Record, as it was made by the Representative Men of the Party, on the doctrine of Popular Sovereignty in the Territories.

Hon. DANIEL S. DICKINSON, of New York, introduced into the Senate, on the 14th day of December, 1847, the following resolutions:

"*Resolved*, That true policy requires the government of the United States to strengthen its political relations upon this continent by the annexation of such contiguous territory as may conduce to that end and can be justly obtained, and that neither in such acquisition, nor in the territorial organization thereof, can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the rights of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the confederacy."

"*Resolved*, That in organizing a territorial government for territory belonging to the United States, the principles of self-government, upon which our federative system rests, will be best promoted, the true spirit and meaning of the constitution be observed, and the confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislature chosen by the people thereof."—*Cong. Globe*, vol. 18, p. 21.

Mr. DICKINSON spoke at large on his resolutions on the 12th day of January, 1848. The following is an extract of his speech:—

"The republican theory teaches that sovereignty resides with the people of a State, and not with its political organization; and the Declaration of Independence recognizes the right of the people to alter and abolish or reconstruct their government. If sovereignty resides in the people, and not in the organization, it rests as well with the people of a Territory, in all that concerns their internal condition, as with the people of an organized State. And if it is the right of the people, by virtue of their innate sovereignty, to alter or establish and reconstruct their government, it is the right of the inhabitants of a Territory, by virtue of the same inborn attribute, in all that appertains to their domestic concerns, to fashion one suited to their condition." * * * * *

"Although the government of a Territory has not the same sovereign power as the government of a State, *in its political relations the people of a Territory have, in all that appertains to their internal condition*, THE SAME SOVEREIGN RIGHTS AS THE PEOPLE OF A STATE."—*Appendix Cong. Globe*, vol. 19, p. 88.

The GEORGIA DEMOCRATIC STATE CONVENTION which was held at Milledgeville in 1847 unanimously adopted the following:—

"*Resolved*, That Congress possesses no power under the constitution to legislate in any way or manner in relation to the institution of slavery. It is the constitutional right of every citizen to remove and settle with his property in any of the Territories of the United States."

"*Resolved*, That the people of the South do not ask of Congress to establish the institution of slavery in any of the Territories that may be acquired by the United States; *they simply require that the inhabitants of each Territory shall be left free to determine for themselves whether the institution of slavery shall or shall not form a part of their social system.*"

The foregoing resolutions were reported to the Convention by a committee consisting of F. H. Cone, R. A. L. Atkinson, Jesse Carter, W. S. Johnson, Robert Griffin, Thos. Hilliard, W. W. Wiggins, E. W. Chastain, W. J. Lawton, S. W. Colbert, and D. Phillips. They were voted for, among others, by Hon. James Jackson, now a Representative in Congress from Georgia, and Lucius Q. C. Lamar, now a Representative in Congress from Mississippi, but then a citizen of Newton county, Ga.

Extract of the speech of Hon. ALFRED IVERSON, of Georgia, (now a Senator of the United States,) in the House of Representatives, July 26, 1848:—

"It has been objected that the position assumed by General Cass, *and approved by the great body of the Democratic party, in every section of the Union*, that Congress has no power over the question of slavery, and that it belongs exclusively to the people of the Territories themselves, is worse for the South than the doctrine of the

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Wilmot proviso. We are told that slavery is now excluded from New Mexico and California, and that the question must be decided against the South, if left to their inhabitants. Sir, suppose this to be true, how much worse off are we than if the jurisdiction be left to Congress? If the power be admitted to the federal government, who does not see and know that the adoption of the Wilmot proviso is inevitable? The only guarantee against its adoption at the present moment is the constitutional scruples of the Northern democrats, and the exercise of the veto power. Remove these, by admitting the constitutional power, and the Wilmot proviso is fastened upon us for all time to come. What, then, can the South lose by *leaving the question to the people of the Territories*, rather than to the Congress of the United States? Sir, I do not propose to argue the constitutional power, either in Congress or the Territories, over this subject. Much difference of opinion exists as to whether the power is in the federal government, or in the hands of the people of the Territories. These questions have been ably argued by those who have gone before me in this debate, and I do not intend to occupy the time of the committee in their renewed discussion. It is admitted, however, by all parties, that there is a point of time at which this question of slavery or no slavery may be, and must be, decided by the people of the Territories; when they meet in convention, in the exercise of sovereign authority, to form a constitution preparatory to admission into this Union as a State. The only difference of opinion upon the point is, whether the people may or may not, under the constitution, exercise this power by territorial legislation prior to the formation of a State constitution. Sir, without discussing or deciding the question, *I do not consider it a matter of essential importance* AT WHAT TIME *this power may be exercised by the people of the Territories.* It is, in my opinion, *of infinitely more importance, both to the South and to the Union,* THAT THE POWER BE LEFT TO THE TERRITORIES, instead of the federal government."—*Appendix Cong. Globe*, vol. 19, p. 965.

Extract of the speech of Hon. THOMAS G. PRATT, of Maryland, in the Senate, July 30, 1850, when the Compromise measures were under discussion, on the motion of Mr. Norris, of New Hampshire, to strike out from the tenth section of the Territorial Bills the words, "establishing or prohibiting African slavery," the purpose of which in the Bills was to inhibit the people of the Territories from legislating on the subject:—

"The great doctrine of the South, as I understand it, and the only true ground on which the South can stand, is the doctrine of non-intervention. Now, what I understand by non-intervention, is the denial of the executive and legislative authority of the federal government of all power over the subject of slavery, anywhere and everywhere. That is the non-intervention upon which I have been taught to rest the rights of the South. That is the non-intervention upon which I am now willing to rest them,—that neither the executive nor legislative branches of the federal government have the power, in any way whatever, to interfere with the subject of domestic slavery anywhere. And I am therefore perfectly willing that the amendment which was originally adopted should be stricken out, as proposed by my friend from New Hampshire, [Mr. NORRIS.]

"But there is another reason which it seems to me must render this provision, in the eyes of every one, inoperative, if continue in the bill. You have this morning adopted an amendment by which the Territorial government established by the bill is not to operate, *in presenti*, within the larger portion of the territory claimed as New Mexico. Therefore, in consequence of that restriction, there could be no legislation in reference to the subject of slavery within that Territory *at the present time.*

"With regard to the other Territory, Utah, slaves are already held there; and if *you give the people of that Territory power to regulate it,*—WHICH THEY WOULD HAVE IF THIS CLAUSE IS STRICKEN OUT,—they would legislate in favor of that Southern institution in which we are interested. I, therefore, for one, as a Southern man, standing up for the rights of the South as much as any man here, am willing that this clause should be stricken out, more particularly when it will gain some votes for the bill."—*App. Cong. Globe*, vol. 22, part 2, p. 1464.

Extract of the speech of Hon. STEPHEN A. DOUGLAS, of Illinois, in the Senate, June 3, 1850:—

"The Senator from Mississippi puts a question to me as to what number of people there must be in a Territory before this right to govern themselves accrues. Without determining the precise number, I will assume that the right ought to accrue to the people at the moment they have enough to constitute a government; and, sir, the bill assumes that there are people enough there to require a government, and enough to authorize the people to govern themselves. If, sir, there are enough to require a government, and to authorize you to allow them to govern themselves, there are enough to govern themselves upon the subject of negroes as well as concerning other species of property and other descriptions of institutions. Your bill concedes that government necessary. Your bill concedes that a representative government is necessary,—a government founded upon principles of popular sovereignty and the right of the people to enact their own laws; and for this reason you give them a legislature constituted of two branches, like the legislatures of the different States and Territories of the Union; you confer upon them the right to legislate upon all rightful subjects of legislation, except negroes. *Why except negroes?* Why except African slavery? If the inhabitants are competent to govern themselves upon all other subjects, and in reference to all other descriptions of property,—if they are competent to regulate the laws in reference to master and servant, and parent and child, and commercial laws affecting the rights and property of citizens,—*they are competent also to enact laws to govern themselves in regard to slavery and*

negroes! Why, when you concede the fact that they are entitled to any government at all, you concede the points that are contended for here. * * * * *

"They [the committee of thirteen on Mr. Clay's resolutions] make the disinction that the people of the Territories are *to govern themselves in respect to the rights of all kinds of property but African slaves. I want to know why this exception? Upon what principle is it made? Is it not as important as any other right in property? Why, then, should it be excepted and reserved? And, sir, if you reserve it, to whom do you reserve it?* To this Congress? No, sir; you deny it to the people, and you deny it to the government here. * * * * * *

"Now, Mr. President, I have a word to say to the honorable Senator from Mississippi, [Mr. Davis.] He insists that I am not in favor of protecting property, and that his amendment is offered for the purpose of protecting property under the Constitution. Now, sir, I ask you what authority he has for assuming that? *Do I not desire to protect property because I wish to allow these people to pass such laws as they deem proper* RESPECTING THEIR RIGHTS IN PROPERTY, WITHOUT ANY EXCEPTION? He might just as well say that I am opposed to protecting property in merchandise, in steamboats, in cattle, in real estate, as to say that I am opposed to protecting property of any other description; for I desire *to put them all on an equality*, AND ALLOW THE PEOPLE TO MAKE THEIR OWN LAWS IN RESPECT TO THE WHOLE OF THEM."—*Cong. Globe*, vol. 21, part 2, pp. 1115, 1116.

Extract of Mr. DOUGLAS's speech, at Chicago, October 23, 1850:—

"The first three of these measures, [the Compromise Measures,] California, Utah, and New Mexico—I prepared with my own hands, and reported from the Committee on Territories, as its Chairman, in the precise shape in which they now stand on the statute books, with one or two important amendments, for which I also voted. I, therefore, hold myself responsible to you, as my constituents, for those measures as they passed. If there is any thing wrong in them, hold me accountable; if there is any thing of merit, give the credit to those who passed the bills. *These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions, in their* OWN WAY. * * * * *

* * * "To question their competency to do this, was to deny their capacity for self-government. If they have the requisite intelligence and honesty to be intrusted with the enactment of laws for the government of white men, I know of no reason why they should not be deemed competent to legislate for the negro. If they are sufficiently enlightened to make laws for the protection of life, liberty, and property—of morals and education—to determine the relation of husband and wife, of parent and child, *I am not aware that it requires any higher degree of civilization to regulate the affairs of master and servant. These things are all confided by the Constitution to each State to decide for itself,* AND I KNOW OF NO REASON WHY THE SAME PRINCIPLE SHOULD NOT BE EXTENDED TO THE TERRITORIES. My votes and acts have been in accordance with these views in all cases, except the instances in which I voted under your instructions. THOSE WERE YOUR VOTES, AND NOT MINE. *I entered my protest against them at the time, before and after they were recorded, and shall never hold myself responsible for them.*"

Extract of the report of the Committee on Territories, accompanying the Nebraska bill, when first reported to the Senate by Mr. Douglas, chairman, January 4, 1854:—

"In the judgment of your committee, these measures (compromise measures of 1850) were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but *in all time to come, avoid the perils of a similar agitation, by withdrawing the question of slavery from the halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in and alone responsible for its consequences.*"

Extract of the speech of Mr. DOUGLAS, closing the debate in the Senate, on the night of the passage of the Kansas-Nebraska act, March 3, 1854:—

"Mr. President, as there has been so much misrepresentation upon this point, I must be permitted to repeat that the doctrine of the report of the committee, as has been conclusively proved by these extracts, is—

"*First.* That the whole question of slavery should be withdrawn from the halls of Congress and the political arena, and committed to the arbitrament of those who are immediately interested in and alone responsible for its existence.

"*Second.* In applying this principle to the Territories and the new States to be formed therefrom, all questions pertaining to slavery were to be referred to the people residing therein.

"*Third.* That the committee proposed to carry these propositions and principles into effect in the precise language of the compromise measures of 1850.

"Are not these propositions identical with the principles and provisions of the bill on your table? If there is a hair's breadth of discrepancy between the two, I ask any Senator to rise in his place and point it out. Both rest upon the great principle which forms the basis of all our institutions—*that the people are to decide the question for themselves, subject only to the Constitution.*"—*App. Cong. Globe*, 1st Sess. 33d Cong., vol. 29, p. 327.

Extract of the remarks of Hon. W. A. RICHARDSON, of Illinois, (who, as Chairman

of the Committee on Territories in the House of Representatives, reported the Kansas-Nebraska bill to that body,) January 12, 1856:—

"The Constitution does not, in my opinion, carry the institutions of any of the States into any of the Territories; but it affords the same protection there to the institutions of one State as of another. The citizen of Virginia is as much entitled in the common Territory to the protection of his property under the Constitution as the citizen of Illinois; but both are dependent upon the legislation of the territorial government for laws to protect their property of whatever kind it may be. Thus it will be seen that though there may be upon this point a difference theoretically, involving questions for judicial decision, yet there is none, practically, among the friends of *non-intervention by Congress, as the practical result is to place the decision of the question in the hands of those who are most deeply interested in its solution, namely, the people of the Territory*, who have made it their home, and whose interests are the most deeply involved in the character of the institutions under which they are to live. If this great principle of non-intervention and self-government is wrong, then indeed the American Revolution was fought in vain, and it is time we cease to venerate the memory of the patriotic dead who purchased with their fortunes and blood the free institutions of the several separate, independent, and coequal States, forming the Union under which we have so prosperously and happily grown to be so great."—*See Congressional Globe*, 1st Sess. 34th Cong., part 1, pp. 222, 223.

Extract of the speech of General LEWIS CASS, of Michigan, (now Secretary of State of the United States,) in the Senate of the United States, May 20, 1854:—

"It is up-hill work, Mr. President, in this country, for any man, however splendid his talents or commanding his position, to contend against this doctrine. It landed with our fathers upon the beach of Jamestown and the Rock of Plymouth, and has been treasured in their hearts through all their trials and difficulties to this, the great day of its glorious consummation. It has accompanied the pioneers through the passes of the Rocky Mountains, and has planted itself, with the beloved flag of our country, upon the very shores that look out upon China and Japan. 'Oh! squatter sovereignty, where were you then?' emphatically asks its great opponent, alluding to territorial history. I was then—may then be answered to this invocation—I was then in the Declaration of Independence, and I am now, as ever, in the hearts of the American people, and am firmly established in the tables of their law. The relations between the Territories and the general government are not well defined by the Constitution.

"There are those, and I am among them, who find no authority in that instrument for Congressional action in this matter, and can justify it only from the necessity of the case. Others contend that the jurisdiction is unlimited; while many, though willing to accept a limitation, can with difficulty define it. But whatever theoretical opinions may prevail upon this subject, Congress has never practically asserted the right of entire legislation; and, indeed, with some unimportant exceptions, and a single important one—the slavery proviso—the internal concerns of the Territories have been managed by their local governments. The action of the general government has been mostly confined to organize laws, laying down the principles of administration with political privileges, formerly more restricted, but latterly much enlarged.

"Now, here is room for an honest difference of opinion as to the extent of Congressional legislation. All agree that the initiatory measure of organization should be taken by Congress, though unanimity cannot be expected in its details. For myself, I concede the largest exemption compatible with the relations of the parties supreme and subordinate. But when you come to the appointment of officers to the powers of legislation, and to all the other questions involved in political society, you touch subjects necessarily giving rise to diversity of opinion. While all has not been granted, comparatively little has been withheld. Freedom—the rights of persons and property—are quite as well secured in the Territories as in the States, and acts of oppression as rare, and, when happening, just as sure to be redressed and punished. The supervisory power exercises its authority with moderation; and these distant communities find their situation free from practical injurious restraint.

"This state of things in its general principles was the very condition of the American Colonies when our fathers claimed non-intervention from British interference, which was extending itself into all the concerns of life. They did not lose themselves in the mazes of political metaphysics. They did not deny there was a practical boundary to a principle, though they could not find a stone wall against which to break their heads. They did not claim independence at the commencement of the controversy. They did not want it. They conceded to England the just right to establish governments, and to exercise a general supervisory authority over them; but they denied to her the authority to interfere in their internal domestic concerns, claiming the right to manage these for themselves; and as they could not get that right peaceably, they sought it by arms, and obtained it by such suffering and trials as no people ever before encountered and survived. They did not protest against the appointment of the governors and some other officers by the Crown, nor against the exercise of a general superintending authority by the Parliament. And now, when a century since the commencement of this contest of weakness and right against power and injustice, is fast hastening to its completion, we are gravely told by many citizens of New York, and by the acknowledged exponents of their

views here, that this claim of political exemption was all a *transparent sham*; and, in effect, that the patriarchs of the Revolution were *ignoramuses*; for, as they did not demand sovereignty, complete release from British control, they demanded nothing worth having. And, therefore, when a local political community is connected in bonds of subordination with a more general one, and is allowed as great a measure of political freedom as is compatible with this relation, if it do not aspire to and obtain complete independence, despotism is better than free local legislation. And I return my thanks to the honorable Senator from Louisiana (Mr. Benjamin) for the eloquent illustration of the true principles which we have just heard from him. I listened to him, as did the Senate, with the deepest interest. I have rarely witnessed in my Congressional experience an effort marked with higher powers of oratory."—*See Appendix Congressional Globe*, 1st Session 33d Congress, vol. 29, p. 772.

Extract of a speech of Hon. Isaac Toucey, of Connecticut, (now Secretary of the Navy,) delivered in the Senate of the United States, March 3, 1854:—

"*It was the principle of non-intervention which Congress adopted;* and that principle was carried out during the first thirty years of the Government, and until the generation upon the stage when the Constitution was adopted, the men who by their votes adopted it, had passed away. I know, sir, that in these facts of the Legislative history of the country I am not mistaken; and if the honorable Senator from Ohio applied his proposition as to the early policy of the country to a period *anterior* to the formation of the Constitution, which it seems he did, I should have no occasion to say any thing upon that subject, because it has nothing to do with the policy of this Government under the Constitution. I confine myself to the policy of the Government since the adoption of the Constitution: for by that Constitution a new policy was instituted, and the Constitution never could have been adopted, it never would have been considered by half the States of the Union, if any principle of INTERVENTION had been carried into it. I repeat, sir, that if the principle of intervention with this institution had been carried into the Constitution it never would have been adopted, and this Government never would have been established.

"Sir, this principle of non-intervention is one of the leading principles of the Constitution. It is a legitimate inference from the general arrangement of powers between the States and the federal government."—*See App. Cong. Globe*, vol. 29, p. 316.

Again, in the Senate, July 2, 1856, Mr. Toucey said:—

"Mr. President, as much as has been said on this subject, I desire to say a word in explanation of my vote. The original act is as explicit as it is possible to be. The words 'subject to the constitution' make no difference. The original act recognizes, as in the territorial legislature, all the power which they can have, subject to the constitution and subject to the organic law of the Territory. There is no ambiguity. It is as explicit as language can make it. The only doubt which arises is as to the meaning of the constitution. *That we cannot define; that is a question exclusively for the judicial tribunals.*"—*See App. Cong. Globe*, vol. 33, p. 797.

Extract of a speech of the Hon. Howell Cobb, of Georgia, (now Secretary of the Treasury,) delivered before the people of West Chester, Pennsylvania, September 19, 1856, in advocacy of James Buchanan's election to the Presidency:—

"I stand upon a principle. I hold that the will of the majority of the people of Kansas should decide this question; and I say here to-night, before this people and before this country, that I, for one, shall abide the decision of the people there. I hold to the right of the people there. I hold to the right of the people to self-government. I am willing for them to decide this question. If I be a member of Congress when this question comes before that body, if a majority of the people there decide in favor of slavery being a part of their institutions, I shall vote for their admission with their pro-slavery constitution; if, on the other hand, a majority of the people there decide that they do not want slavery, and present a free-State constitution, I will vote for their admission into the Union as a free State, in obedience to the voice and will of the people. (Applause.) I stand by my principles; I intend to carry them out; I care not how they operate. Principles are dearer to me than the results of any election, any contest in Kansas. I would not plant slavery upon the soil of any portion of God's earth against the will of the people. The government of the United States should not force the institution of slavery upon the people either of the *Territories* or of the States against the will of the people, though my voice could bring about the result. I stand upon the principle: the people of my State decide it for themselves, you for yourselves, the people of Kansas for themselves. (Applause.) That is the constitution, and I stand by the constitution."

(A gentleman here interrupted Mr. Cobb, with his consent, to inquire whether he meant that the people of the Territory, before forming their constitution, should have the power to exclude slavery, or that they should have the power to pass upon it when they form their constitution. He also desired the speaker to explain not only his view on the subject, but also the view which is advocated by those who stand with him in the Southern States and support Mr. Buchanan.)

Mr. Cobb, resuming, said: "Fellow-citizens, there never has been, in all the history of this slavery matter, a more *purely theoretical issue* than the one involved in the question propounded to me by my friend, and I will show it to you. I will state to you the positions of the advocates of this doctrine of non-intervention, on which there are different opinions held; but I will show you that it is the *purest abstraction*, in a practical

point of view, that ever was proposed for political discussion. There are those who hold that the Constitution carries all the institutions of this country into all the territories of the Union; that slavery, being one of the institutions recognized by the Constitution, goes with the Constitution into the territories of the United States; and that when the territorial government is organized, the people have no right to prohibit slavery there, until they come to form a State constitution. That is what my friend calls 'Southern doctrine.' There is another class who hold that the people of the territories, in their territorial state, and whilst acting as a territorial legislature, have a right to decide upon the question whether slavery shall exist there during their territorial state; and that has been dubbed 'squatter sovereignty.' Now, you perceive that there is but one point of difference between the advocates of the two doctrines. Each holds that the people have the right to decide the question in the territory; one holds that it can be done through the territorial legislature, and whilst it has a territorial existence; the other holds that it can be done only when they come to form a State constitution. But those who hold that the territorial legislature cannot pass a law prohibiting slavery, admit that unless the territorial legislature pass laws for its protection, slavery will not go there. Therefore, practically, a majority of the people represented in the territorial legislature decides the question. Whether they decide it by prohibiting it, according to the one doctrine, or by refusing to pass laws to protect it, as contended for by the other party, is immaterial. *The majority of the people, by the action of the territorial legislature, will decide the question; and all must abide the decision when made.* (Great applause.)

"My friend, you observe that—no matter what the issue which is presented—I stand upon a principle. There I planted myself in the commencement of this argument,—the right of the people to self-government. I intend to maintain it, to stand by it, to carry it out, to enforce it. If it operate to the exclusion of the people of my section of the country from these territories, be it so: it is the constitution of the country, and they have no right to complain. If it operate in their behalf and for their protection, I call upon you to say, is it not right that they should have the benefit of it?"

Extracts of a speech of the Hon. JOHN C. BRECKINRIDGE, of Kentucky, (now Vice-President of the United States,) in the House of Representatives, March 23, 1854:—

"But if non-intervention by Congress be the principle that underlies the compromise of 1850, then the prohibition of 1820, being inconsistent with that principle, should be removed *and perfect non-intervention thus be established by law.*

"Among the many misrepresentations sent to the country by some of the enemies of this bill, perhaps none is more flagrant *than the charge that it proposes to legislate slavery into Nebraska and Kansas. Sir, if the bill contained such a feature it would not receive my vote. The right to establish involves the correlative right to prohibit, and, denying both, I would vote for neither.* I go further, and express the opinion that a clause legislating slavery into those Territories could not command one Southern vote in this House. It is due to both sections of the country and to the people to expose this groundless charge. What, then, is the present condition of Nebraska and Kansas? Why, sir, there is no government, no slavery, and very little population there, (for your Federal laws exclude your citizens;) but a law remains on the statute-book forever prohibiting slavery in these Territories. It is proposed simply to take off this prohibition, but not to make an enactment in affirmance of slavery there. Now, in the absence of any law establishing slavery in that region, previous to the prohibiting act, it is too clear for dispute, that the repeal of the prohibition has not the affirmative effect of fixing slavery in that country. The effect of the repeal, therefore, is neither to establish nor to exclude, but to leave the *future condition of the Territories dependent wholly upon the action of the inhabitants*, subject only to such limitations as the Federal Constitution may impose. But to guard fully against honest misconstruction, and even against malicious perversion, the language of the bill is perfectly explicit on this point." * * *

"It will be observed that the rights of the people to regulate in their own way all their domestic institutions is left wholly untouched, except that whatever is done must be done in accordance with the Constitution,—the supreme law for us all. And the rights of property under the Constitution, as well as legislative action, is properly left to the decision of the Federal judiciary. This avoids a contested issue which it is hardly in the competency of Congress to decide, and refers it to the proper tribunal." * * *

"Then, sir, neither the purpose nor the effect of the bill is to legislate slavery into Nebraska and Kansas, but its effect is to sweep away this vestige of Congressional dictation on this subject, to allow the free citizens of this Union to enter the common territory with the Constitution and the bill alone in their hands, and to remit the decision of their rights under both to the courts of the country. Who can go before his constituents refusing to stand on the platform of the Constitution? Who can make a case to them of refusing to abide the decision of the courts of the Union?" * * * *

"Sir, I care nothing about refined distinctions or subtleties or verbal criticism. I repeat the broad and plain proposition, that if Congress may intervene on this subject, it may intervene on any other, and having thus surrendered the principle, and broken away from constitutional limitations, you are driven into the very lap of arbitrary power. By this doctrine, you may erect a despotism under the American system. The whole theory is a libel on our institutions. It carries us back to the abhorrent principles of British colonial authority, against which we made the issue of Independence. I have never acquiesced in this odious claim, and will not

believe that it can abide the test of public scrutiny."—*See App. Cong. Globe*, vol. 29, p. 441.

Mr. BRECKINRIDGE, in a speech at Lexington, Kentucky, in response to the congratulations of his neighbors on his having obtained the nomination for Vice-President, on Monday, June 9, 1856, made the following remarks defining his position on the question of popular sovereignty and non-intervention:—

"Upon the distracting question of domestic slavery, their position is clear. The whole power of the Democratic organization is pledged to the following propositions: *that Congress shall not intervene upon this subject in the States, in the Territories, or in the District of Columbia; that the people of each Territory shall determine the question for themselves, and be admitted into the Union upon a footing of perfect equality with the original States, without discrimination on account of the allowance or prohibition of slavery.*"

Extract of a speech of the Hon. JAMES L. ORR, of South Carolina, (late Speaker of the House,) in the House of Representatives, December 11, 1856:—

"Now, I desire the gentleman to understand that the Democratic party, North or South, do not attach the importance to this issue on squatter sovereignty which he seems to attach to it by the attempts he has made to magnify it as the chief feature of the Nebraska-Kansas bill. The great object sought to be accomplished in the introduction and passage of that bill was this: the continual agitation of the slavery question upon the floors of Congress had produced discord and dissension here; it had alienated the different parties of the Confederacy from each other, and was threatening the existence of the Government itself; and hence it was thought best by a majority of the members of Congress, in 1854, to transfer, as far as possible, this agitation from the Halls of Congress to the Territories themselves. Hence, the great and leading feature in that bill was, to transfer the legislation and power of Congress on the slavery, and all other subjects, to the Territorial legislatures, and let the popular will there shape and form the laws for their own government without restriction save the proviso that such legislation should be consistent with the constitution and general laws of the United States.

"This was the great idea in the legislation of 1854, and it has been endorsed in the late election by the people.

"Now, I admit that there is a difference of opinion amongst Democrats as to whether this feature of squatter sovereignty be in the bill or not. But the great point upon which the Democratic party at Cincinnati rested was, that the government of the Territories had been transferred from Congress, and carrying out the spirit and genius of our institutions had been given to the people of the Territories. I am one of those who do not believe in the doctrine of squatter sovereignty. I do not believe that the Kansas-Nebraska bill establishes or recognizes squatter sovereignty within the limits of the Territories of Kansas and Nebraska: and the process of reasoning by which I reach that result is, that I see no authority in the Constitution of the United States which authorizes Congress to pass the Wilmot proviso or any anti-slavery restrictions in the Territories; and I do not apprehend how Congress, not having the power itself, can create an authority and invest a creature with greater power and authority than it possesses itself. I know that there are other gentlemen belonging to the Democratic party who think that the territorial legislatures are invested with the authority to prohibit or introduce slavery within the Territories.

"But the gentleman from Tennessee [Mr. Smith] the other day struck the true point in this controversy, and it takes all the wind out of the sails of my friend from Kentucky, and leaves him high and dry upon land; and I invite his attention to the statements in reference to it.

"I say, although I deny that squatter sovereignty exists in the Territories of Kansas and Nebraska by virtue of this bill, it is a matter practically of little consequence whether it does or not; and I think I shall be able to satisfy the gentleman of that. The gentleman knows that in every slaveholding community of this Union, we have local legislation and local police regulations appertaining to that institution, without which the institution would not only be valueless, but a curse to the community; without them the slaveholder could not enforce his rights when invaded by others; and if you had no local legislation for the purpose of giving protection, the institution would be of no value. I can appeal to every gentleman upon this floor who represents a slaveholding constituency to attest the truth of what I have said.

"Now, *the legislative authority of a Territory is invested with a discretion to vote for or against laws. We think they ought to pass laws in every Territory where the Territory is open to settlement and slaveholders go there to protect slave property. But if they decline to pass such laws, what is the remedy? None, sir. If the majority of the people are opposed to the institution, and if they do not desire it engrafted upon their Territory, all they have to do is simply to decline to pass laws in the territorial legislature to prohibit it.* Now, I ask the gentleman what is the practical importance to result from the agitation and discussion of this question as to whether squatter sovereignty does or does not exist? Practically, it is a matter of little moment."—*See Cong. Globe*, 2d Session 34th Congress, pp. 103, 104.

Extracts of a speech of Hon. A. H. STEPHENS, of Georgia, delivered in the House of Representatives, February 17, 1854:—

"The whole question of slavery or no slavery was to be left to the people of the Territories, whether north or south of 36° 30′ or any other line. *The question was to be taken out of Congress, where it had been improperly thrust from the beginning, and to be left to the people concerned in the matter to decide for themselves.* This, I say, was the position originally held by the South when the Missouri restriction was at first proposed. The principle upon which that position rests,

ken at the very foundation of all our Republican institutions; it is that the citizens of every distinct and separate community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from the intermeddling restrictions and arbitrary dictation on such matters from any power or Government in which they have no voice. It was out of a violation of this very principle to a great extent that the war of the Revolution sprung. The South was always on the Republican side of this question, while the North—no; or, at least, I will not say the entire North, for there have always been some of them with the South on this question; but I will say, while a majority of the North, under the free-soil lead of that section, up to the settlement of the contest in 1850—were on the opposite side.

"The doctrine of the *restrictionists* or free-soilers, or those that hold that Congress ought to impose their arbitrary mandates upon the people of the Territories in this particular, whether the people be willing or unwilling, is the doctrine of Lord North and his adherents, in the British Parliament, towards the colonies, during his administration. He and they claimed the right to govern the territories in 'all cases whatsoever,' notwithstanding the want of representation on their part. The doctrine of the South upon this question has been, and is, the doctrine of the whigs in 1775 and 1776. It involves the principle that the citizens of every community should have a voice in their government. This was the doctrine of the people of Boston in 1775, when the response was made throughout the colonies, 'The cause of Boston is the cause of us all.' And if there be any here now who call themselves whigs, arrayed against this great principle of republican government, I will do towards them as Burke did in England. I will appeal from 'the *new* to the *old* whigs.'" * * * * *

"This, sir, is what is called the Compromise of 1850, so far as this territorial question is concerned. It was adopted after the policy of dividing territory between the two sections, North and South, was wholly abandoned, discarded, and spurned by the North. It was based upon the truly republican and national policy of taking this disturbing element out of Congress, and leaving the whole question of slavery in the Territories to the people there to settle it for themselves. And it is in vindication of that new principle—then established for the first time in the history of our Government—in the year 1850, the middle of the nineteenth century, that we, the friends of the Nebraska bill, whether from the North or South, now call upon this House and the country, to carry out, in good faith, and give effect to the spirit and intent of those important measures of territorial legislation."—*See App. Cong. Globe*, 1st Session, 33d Cong. vol. 20, p. 195.

Mr. STEPHENS again expressed his views on this subject in the House of Representatives on the 17th of January, 1856, as follows:—

"Now, sir, as I have stated, I voted for this bill, leaving the whole matter to the people to settle for themselves, subject to no restriction or limitation but the Constitution. With this distinct understanding of its import and meaning, and with a determination that the existence of this power being disputed and doubted, it would be better and much more consistent with our old-time republican principles, to let the people settle it, than for Congress to do it. And although my own opinion is that the people, under the limitations of the Constitution, have not the rightful power to exclude slavery, so long as they remain in a territorial condition, yet I am willing that they may determine it for themselves, and when they please. *I shall never negative any law they may pass, if it is the result of a fair legislative expression of the popular will. Never!* I am willing that the territorial legislature may act upon the subject when and how they may think proper."—*See Appendix to the Congressional Globe*, 1st Session, 34th Congress, vol. 33, p. 62.

Extract of the speech of the Hon. J. P. BENJAMIN, of Louisiana, delivered in the Senate, on the 25th May, 1854:—

"I find, then, that this bill, retracing the steps of Federal legislation so far as it interfered with this subject from the year 1820 to the present time, proposes to go back to the traditions of the fathers. It proposes to put this Congress in the position occupied by every Congress up to the year 1820. It proposes to announce, as a principle, to the people of the United States that the general Government is not to legislate at all upon this question of slavery. It is not to legislate to extend it; it is not to legislate to prohibit it; *it is a forbidden subject.* The flaming sword ought to guard all access to it. No impious foot ought to endeavor to tread within its sacred precincts. That is the principle which I find in this bill, and that is the principle which I wish to see established in the country; and when it shall have been established, it will be in vain for fanatics, either North or South, to endeavor to create any permanent excitement in the minds of the American people. The aliment is gone. You may light the flame, but the fuel may be wanting. It will die out of itself. And then, and then alone, shall we be able to bear patiently with the taunts thrown out this day by the Senator from Ohio; then alone shall we be able to hear with composure his threat that his war-cry is issued against the South, from this time forward, and that all his energies will be devoted to repealing this bill, and overthrowing the principles upon which it is based.

"Let the American people understand this subject in its true bearing; let the North once be disabused of the false impression that the South desires any advantage over it, or any unequal share of the privileges of the Government; let our friends in the Northern States once be convinced that all we ask and desire is the simple privilege of being let alone; and can we ask less? Blest or cursed, as you please, with an institution which we find established among us when we were born, and which will probably exist when we descend to our graves, an insti-

tution which is so firmly knit among us that it cannot be torn out without tearing up the very heart-strings of society, is it wonderful, is it unreasonable, is it not most reasonable, that we should ask gentlemen from other sections of the Confederacy simply to let us alone? *We ask of you the passage of no law; we ask of you the enactment of no statute, any further than to put us back just in that position occupied by our fathers when they acted upon the principle which we now invoke, of leaving each section of the Confederacy free to establish and maintain its own internal domestic institutions, and promote its own happiness as it sees proper.* Here is then a second great principle which I see in this bill, and for the establishment of which, I say, as other Senators have said upon this floor, I will sacrifice this amendment and a thousand others like it.

"But this is not all. The Senator from Georgia [Mr. Toombs] to-day spoke of a third principle, and he anticipated me in that respect. There is the great fundamental principle of American liberty contained in the provisions of the bill. It is that principle which laid the foundation of American independence. It is that principle for the establishment of which we owe so many blessings to the memory of our Revolutionary sires—ay, sir, to our ante-Revolutionary sires. They first planted on this continent the germ which has grown up into a lofty tree, that with its spreading branches overshadows and protects the nation. They first enunciated in the face of the civilized world, in the face of the then almost omnipotent English Parliament, the principle that man had a right to self-government. They first declared that it was against the inherent rights of mankind for a government to legislate for the local interests of a distant dependency. They declared—and it is upon that your Revolution is founded—that the people of the United States, although colonial dependencies of Great Britain, were entitled to representation in the British Parliament, or to be exonerated from the duties of British subjects. *All that is asked now is the extension of this same principle to the Territories of the United States.* Here, then, is another third great principle, it is a great measure of conciliation between conflicting opinions in different parts of the confederacy, conflicting opinions which have found their enunciations upon this floor. The honorable Senator from Michigan, [Mr. Cass,] in a speech replete with sound argument and true Republican principles, the force of which it would be difficult to answer, has advocated in this Senate the doctrine that there is an inherent right, under the Constitution of the United States, in the people of the Territories to govern themselves. He denies the constitutional power of Congress to legislate for those Territories. The Senator from Indiana, [Mr. Pettit,] and the Senator from North Carolina, [Mr. Badger,] differ in opinion from him; but as the Senator from Georgia said this morning, both agree that it is unwise to exercise the power in contradiction to the will of the people, even if we admit its existence. *We find, then, that this principle of the independence and self-government of the people in the distant Territories of the Confederacy, harmonizes all these conflicting opinions, and enables us to banish from the halls of Congress another fertile source of discontent and excitement.*"—*See Appendix Congressional Globe*, 1st Sess. 33d Cong., vol. 29, page 767.

Extract of the speech of Hon. HOWELL COBB, of Georgia, at Concord, New Hampshire, in February, 1856:—

* * * "On the subject of slavery, as upon all other issues arising before the people, there is but one question and one answer. It is not whether slavery is right or wrong, or whether it is a blessing or a curse, or whether it shall be increased or abolished, but the only question is, What says the Constitution? And the only answer should be, I will do what the Constitution requires to be done. The man who objects to this doctrine wars upon the principle of self-government and the Constitution of his country; and for such a man I have no word either of argument or appeal."

* * * "Apply this principle to the question which now so deeply agitates the public mind of this country, and threatens to disturb its peace and quiet. In the Kansas bill it was provided that this vexed question of slavery should be left where the blood of the Revolution put it; where the great principles of self-government leave it—to be decided by the people of Kansas, subject only to the Constitution of the United States. That bill declares, 'it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' Is not this provision of the Kansas law in strict conformity to the principles which I have been advocating before you?

"*Are not the people of that Territory better capable of deciding that question for themselves than either you or the people of Georgia, or any other State, for them? If they want slavery, you have no right to prevent; if they want to exclude it, the people of Georgia have no right to force it upon them. Give to them the same right which you now exercise; and when their decision is pronounced, let the people of all the States abide by that decision, just as we now abide by the decision already made by the respective States.* The people who have gone or may hereafter go to Kansas to make it their homes, are just as honest and intelligent and as capable of self-government as they were before they went there. They need no advisers, or counsellors, or guardians; and had it not been for the organized intermeddling of outsiders, whose consciences were more deeply moved about other people's sins than their own, would have quietly and peaceably decided this question in their own way, conformably to their own wishes and interests, under the organic law of the Territory. When the people of Kansas shall have so decided, I am prepared to carry out their decision, whatever it may be; and shall vote for her admission whenever she applies with a sufficient population, and presents a constitution republican in its form, and fairly representing the sentiment of her people; and the

fact of her applying as a free or slave State shall not influence my action. Believing the principle to be right, I shall stand by it, no matter what result it may work out.

"*You have been told that the South demands the establishment of slavery in the Territories. I am here to deny the charge, and brand it as false. We make no such demand. On the contrary, we protest against Congressional intervention. Our doctrine is, to leave it to those who are the most deeply interested in its decision.* We stand upon the principle which I have been urging before you, and offer it as the only just and constitutional solution of an angry and exciting controversy. It has been adopted, and let us maintain it. It will give security to the Constitution and peace to the Union. It will calm the troubled waters of sectional strife, and restore harmony and good feeling to a distracted country. It commends itself to us from its own intrinsic merit. It comes to us sanctioned by the wisdom of our fathers. It is right in theory and right in practice. It has worked well in the past, and will work well in the future. It presents a common ground upon which all true men of every State and section can stand harmoniously together. It compromises no principle and sacrifices no interest. It is the doctrine of a common constitution; let it be defined by a united people.

"*Principles never change. Truth is mighty, and will prevail.*"

Extract of the speech of Gen. JOSEPH LANE, of Oregon, at Concord, New Hampshire, in September, 1856:—

"Now, gentlemen, there is nothing particular, nothing new, in that, for it is not the first time that Congress has passed laws organizing Territories. But that law organizing the Territories of Kansas and Nebraska placed in the hands of the Opposition a pretext for attacking Democratic principles. They raised a hue and cry throughout the country that the area of slavery was to be extended—that new slave States were to be added to the Union. Is there any thing in the Kansas-Nebraska bill to justify this hue and cry, and the consequent excitement?

"There is nothing in the law, gentlemen, but what every enlightened American heart should approve. *The idea incorporated in the Kansas-Nebraska bill is the true American principle: for the bill does not establish or prohibit slavery, but leaves the people of these Territories perfectly free to regulate their own local affairs in their own way.* Is there any man who can object to that idea? Is there any American citizen who can oppose that principle?

"Gentlemen, I desire to say to you that the principle incorporated into the Kansas-Nebraska bill is the very principle in defence of which your forefathers entered into the service of their country in the Revolutionary war; for the American colonies, two years previous to the Declaration of Independence, asserted this same principle we now find incorporated in the Kansas-Nebraska bill.

"Upon examination, you will find that the Declaration of Rights, made October 14, 1774, asserts *that the people of the several colonies 'are entitled to a free and exclusive power of legislation in their several provincial legislatures in all cases of internal polity.'* This was refused by the Crown, but reasserted by our forefathers. Upon this issue the battles of the Revolution were fought; by the blood of our fathers this principle of self-government was established. This right, refused by the King, was secured, consecrated, and established by the best blood that ever flowed in the veins of man. Would you now refuse to the people of the Territories the rights your noble sires demanded of the Crown, and won by their blood—thus placing yourselves in opposition to the right of self-government in the Territories, thereby occupying the very position towards the Territories that George III. did to the colonies?

"The simple question involved here is, 'Are the people capable of regulating their internal affairs, or must Congress regulate those affairs for them?' It is strictly the doctrine of Congressional non-intervention. Now, if that idea is the correct one—if it is true that the American people are capable of self-government—then the principles of the Kansas-Nebraska bill are right, and opposition to that bill is wrong; consequently, dangerous to the best interests of the country.

"I only desire to say to you further, gentlemen, that I hail from the shores of the Pacific. I come from a Territory where the people are capable of managing their own domestic affairs. I come from a Territory where they would not thank the people of New Hampshire, nor the people who are represented by my honorable friend from South Carolina, nor the people from any other State of this Union, for interfering in their local and domestic affairs. I come from a Territory that had imposed upon her, in her organic act, the Wilmot proviso. I went out under the law of Congress as the first governor of Oregon, and the only word I heard uttered against this law was, that Congress should have interfered in any of our affairs. '*Why*,' it was asked, '*should Congress prohibit us from exercising our judgment in relation to slavery, or any other local question?*' The question of slavery is safe with the people; and it is no more restricted by the Wilmot proviso than it would be without it, for slavery is a thing that will regulate itself.

"Climate, soil, products, commerce, business, profit on investment—these are the things that must and will settle the question of slavery. Leave Kansas and Nebraska to look after their own affairs, and if there is a man among you who would join an Emigrant Aid Society for the purpose of interfering in the domestic concerns of Kansas, set him down as an unfortunate man—as one who does not understand the true policy of his country—as one who does not know the evil he is about to inflict upon the Constitution and the Union. If these Emigrant Aid Societies and the agitators of this question would leave the people of Kansas to settle this matter for themselves, there would be no difficulty there.

"The question of slavery is a most perplexing one, and ought not to be agitated. We should leave it with the State where it constitutionally exists, and the people of the Territories, to pro-

hibit or establish, as to them may seem right and proper."

"All that the Democracy asks in relation to this matter is, that the people of the Territory should be left perfectly free to settle the question of slavery for themselves, without the interference of New Hampshire, Massachusetts, or any other State."

"If every American citizen had that feeling, that love of country, that love of the Constitution, of the right of the States, and of the principle of allowing the people to regulate their own affairs in their respective localities, we should have peace and quiet among the people of all the States."

Extract of the SPECIAL MESSAGE of PRESIDENT PIERCE to Congress on Kansas Affairs, of January 24, 1856:—

"The act to organize the Territories of Nebraska and Kansas was a manifestation of the legislative opinion of Congress on two great points of constitutional construction: one, that the designation of the boundaries of a new Territory, and provision for its political organization and administration as a Territory, are measures which of right fall within the powers of the General Government; and the other, that the inhabitants of any such Territory, considered as an inchoate State, are entitled, in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution and the laws duly enacted by Congress under it, and to the power of the existing States to decide, according to the provisions and principles of the Constitution, at what time the Territory shall be received as a State into the Union. Such are the great political rights which are solemnly declared and affirmed by that act."—*Cong. Globe*, vol. 32, part 1, p. 296.

Extract of the remarks of Hon. W. A. RICHARDSON, of Illinois, the Democratic candidate for Speaker, in reply to certain questions propounded to him by Mr. Zollicoffer, of Tennessee, on the 12th of January, 1856:—

"Mr. RICHARDSON. Mr. Clerk, gentlemen have chosen, by written interrogatories, to inquire into the political opinions of gentlemen who have been voted for upon this floor, in relation to questions past, present, and future. I know not, and care not, whether the object is discussion here or discussion somewhere else. I hold them to the issues presented to me, and I shall endeavor to answer their questions as fully, freely, and frankly as may be possible.

"I now send to the Clerk's desk the questions which have been propounded to me, and I ask that the first of them may be read."

The Clerk read the first question, as follows:—

"Am I right in supposing that the gentleman from Illinois (Mr. Richardson) regards the Kansas-Nebraska bill as promotive of the formation of free States in the Territories of Kansas and Nebraska?"

"Mr. RICHARDSON. In reply to the first question of the gentleman from Tennessee, (Mr. Zollicoffer,) I have to say, that I voted for the bills organizing the Territories of Nebraska and Kansas because I thought them just to all, and I defended that vote before my constituents upon that ground. I intended then, and I intend now, that the people who go there, or who have gone there, shall decide the question of slavery for themselves, and, so far as I could, admit them as States, with or without slavery, as the people should decide. In common with Northern and Southern gentlemen, I have said that, in my opinion, slavery would never go there; but I have never, here or elsewhere, urged that as a reason why I voted for that bill. I voted for the bill because it was just, right, and proper, and wanted nothing more to defend myself. I repeat here an argument I have made over and over again before my constituents, and it is this: if a majority of the people of Kansas or Nebraska are in favor of slavery, they will have it; if a majority are opposed to it, then they will not have it. This is the practical result of every theory advocated by the friends of the Nebraska and Kansas bill. I gave my sanction to this principle in supporting the Territorial bills of 1850, and have uniformly supported the same principles since, whenever presented for my action, and shall continue to do so in all future cases that may arise. It is a principle lying at the foundation of all popular governments, that the people of each separate or distinct community shall decide for themselves the nature and character of the institutions under which they shall live; and by this principle I am prepared to live and die. I therefore voted for the Nebraska and Kansas bill, neither as a pro-slavery nor anti-slavery measure, but as a measure of equal right and justice to the people of all sections of our common country."

* * * * * *

[The second question related to the Wilmot proviso, and is, therefore, omitted, as of no pertinence herein.]

The Clerk then read the third interrogatory, as follows:—

"Am I right in supposing that his theory is, that the Constitution of the United States does not carry slavery to, and protect it in, the Territories of the United States? That in the territory acquired from Mexico and France, (including Kansas and Nebraska,) the Missouri restriction was necessary to make the territory free, because slavery existed there under France at the time of the acquisition; but that the Kansas and Nebraska bill, which repeals that restriction, but neither legislates slavery into those Territories nor excludes it therefrom, in his opinion, leaves those Territories without either local or constitutional law protecting slavery; and that therefore the Kansas-Nebraska bill promotes the formation of slave States in Kansas and Nebraska?"

"Mr. RICHARDSON. The Constitution does not, in my opinion, carry the institutions of any of the States into the Territories; but it affords the same protection there to the institutions of one State as to another. The citizen of Virginia is as much entitled, in the common territory, to the protection of his property, under the Consti-

tution, as the citizen of Illinois; but both are dependent upon the legislation of the Territorial government for laws to protect their property, of whatever kind it may be. Thus, it will be seen, that though there may be upon this point a difference theoretically—involving questions for judicial decision—yet there is none, practically, among the friends of non-intervention by Congress, as the practical result is to place the decision of the questions in the hands of those who are most deeply interested in its solution, namely, the people of the Territory, who have made it their home, and whose interests are most deeply involved in the character of the institutions under which they are to live."—*Cong. Globe*, vol. 32, part 1, p. 222.

The vote for Speaker next after Mr. Richardson answered to the questions of Mr. Zollicoffer, which was the 108th, resulted in his receiving the full Democratic vote—69 votes, of which fifty-three were from the South, and sixteen from the North. Those from the South are in italics. The 108th vote for Mr. Richardson was as follows:—

"*For Mr. Richardson.*—Messrs. *Aiken*, Allen, Barclay, *Barksdale*, Bell, *Hendley S. Bennett*, *Bocock*, *Bowie*, *Boyce*, *Branch*, *Burnett*, Cadwalader, *Caruthers*, *Caskie*, *Clingman*, *Howell Cobb*, *W. R. W. Cobb*, *Craige*, *Davidson*, Denver, *Dowdell*, *Edmundson*, *Elliott*, English, *Faulkner*, Florence, Thomas J. D. Fuller, *Goode*, *Greenwood*, Augustus Hall, *Sampson W. Harris*, Thomas L. Harris, Herbert, Hickman, *Houston*, *Jewett*, *Geo. W. Jones*, *Keitt*, Kelly, *Kidwell*, *Letcher*, *Lumpkin*, S. S. Marshall, *Maxwell*, *McMullin*, *McQueen*, Smith Miller, *Millson*, *Mordecai*, *Oliver*, *Orr*, Peck, *Phelps*, *Powell*, *Quitman*, *Ruffin*, *Rust*, *Sandidge*, *Savage*, *Samuel A. Smith*, *Wm. Smith*, *Stephens*, *Stewart*, *Talbott*, Vail, *Warner*, *Watkins*, *Winslow*, *Daniel B. Wright*, *and John V. Wright*."—*Cong. Globe*, vol. 32, part 1, page 228.

Extract of the speech of Hon. James M. Mason, of Virginia, in the Senate of the United States, May 25, 1854:—

"Then, Mr. President, where do we stand? Here is a bill repealing and forever annulling a measure always odious to the South, and offensive to its honor, voluntarily brought forward from a quarter where the majority resides; and is the South to reject it because it contains, also, an incidental policy on a different principle, which we do not approve? For one, sir, with a clear, unhesitating judgment, I answer, NO!

"Mr. President, I am not going to discuss this question of squatter sovereignty, on which my honorable friend from Michigan (Mr. Cass) appears to be so very sensitive. I do not recognize the inhabitants of a Territory as a political community at all. The very act of Congress which provides a government for the Territory is a negation of the right of the inhabitants to do it for themselves. They are mere occupants of the public domain, nothing else. And it has been only because Congress deemed it expedient to give them a right of legislation, reserving to itself a power of revision, that the Territories have any political existence whatever. But when Congress delegate the power to them, it is a mere delegation, and how Congress measures it out is a matter of expediency, not of principle. And from the experience which the Southern States have had of the tendencies of Congress heretofore on the subject of slavery, I do not know that we may not quite as safely trust the people, come from where they may, as the Congress of the United States, with that institution.

"I say, then, Mr. President, to sum up, this bill is objectionable in some of its features, it is true. It is objectionable in that feature of it, for one, which does not deny the people the right to legislate on the subject of slavery. It is also objectionable in that clause of it which provides that foreigners—those not naturalized—shall participate in the political power of the Territory. These, however, are questions of expediency alone. There is no principle, far less any constitutional law, involved in them; and if we can get the other and higher principle established on your statute-book, that henceforth power is denied to the Congress of the United States to legislate for the exclusion of slavery, by yielding the question of expediency, I do not think we shall be rebuked for a bad bargain."—See vol. 29 *App. Cong. Globe*, page 774.

And again, on the 11th December, 1856, Mr. Mason said:—

"I wish to make an explanation in which I have more interest than anybody else, in reference to some remarks on this very topic which were interpolated into the debate at the time when the Senator from Maine (Mr. Fessenden) occupied the floor, and which seem to have been the subject of misrepresentation. These remarks were in reference to the much disputed question of squatter sovereignty. It has been supposed, not only in the Senate, but elsewhere, that I mean to admit a power in territorial legislation, to prohibit slavery in a Territory. The remarks which I made may have been, for all that I know, correctly reported in the Globe. I did not revise them. Here they are:—

"'The territorial government was so organized there as to admit citizens of all the States, whether free or slave, to take their property into the Territories; and when they organized themselves, or were organized under the law, into a legislative body, then to determine for themselves whether this institution should exist amongst them or not. The specific difference is, that under the Kansas law, citizens from the slaveholding States might go into the Territory with their property; citizens from the free States might go there, holding no such property, and when they got there and met in common council as a legislative body, they should determine whether the institution should prevail; whereas, the party which the honorable Senator is now representing here declares that in the organic law creating the government in the Territory there shall be a prohibition *in limine* that no slaves shall go there.'

"These remarks had reference to the subject-matter of a previous debate, and to positions I then maintained; but occupying the floor by the

courtesy of the Senator entitled to it, I was necessarily brief, and may have left my meaning obscure.

"The previous debate had reference to the issues raised by the Kansas-Nebraska bill, and what I intended to say, and in a more elaborate form, would have said, was this, that those with whom I act have uniformly denied any power whatever in Congress to legislate on the subject of slavery in the Territories. The Kansas bill was intended to delegate to the occupants of the Territories whatever power Congress possessed over all subjects of rightful legislation; but of course it could delegate no more; and when we denied that Congress possessed any power to legislate on the subject of slavery, we of course denied that the Territorial Legislature could have it, because Congress could not delegate what it does not possess. I did not amplify to show what the Kansas bill shows on its face, that, in order to make the meaning more specific, the power to legislate on any subject was, by the terms of the bill, referred to the Constitution; and express power was given, by an appeal to the Supreme Court, to determine whether the Legislature could, or could not, rightfully legislate on the subject of slavery. I could not occupy the time which belonged to the Senator from Maine, to elaborate the idea; but I referred to the Kansas bill to determine what power was conceded, and of course, when we determined as our judgment that the Constitution gave to Congress no power to legislate on the subject of slavery, it followed that the bill could not delegate such power to a Territorial Legislature; but as, on the other side, it was claimed that Congress did possess the power, the bill immediately referred the question to the Constitution and the Judiciary, where we had been always willing to send it. I desired to say this only, that I might not be, as I have been, misinterpreted. I am indebted to the courtesy of the Senator from New Hampshire in yielding me the floor for this purpose."—See *Congressional Globe*, 3d Sess. 33d Cong., page 92.

Extract of a speech of Hon. JAMES A. BAYARD, of Delaware, in the Senate of the United States, May 25, 1854:—

"The honorable Senator from Louisiana (Mr. Benjamin) stated three principles as embodied in the bill. In the first place it repeals an ideal arbitrary line which tended to create and foster sectional differences in the country. I admit that it does that. But is that a principle, or is it merely a repeal of an act of Congress which may be again enacted, and which, whether repealed or permitted to remain, will have no practical effect on the future political condition of the country to which it applies, whether as States or Territories? The second, that is the great principle of the bill, is the renunciation by Congress of all authority to legislate in regard to the institution of slavery, either for its establishment or its prohibition, beyond the two articles contained in the Constitution, which delegate two express powers in relation to slavery, one to prohibit the slave-trade, and the second to provide for the reclamation of fugitive slaves who may escape into other States where slavery is not recognized by law.

"I agree with the honorable Senator from Louisiana as to the importance of this principle; it seems to include within it the necessity for the repeal of the Missouri Compromise line. The honorable Senator from Virginia (Mr. Mason) assumes substantially the same position, placing the importance of the bill on the single ground that it establishes the principle of non-intervention by Congress with the institution of slavery in the Territories, as well as the States of this Union. Mr. President, I consider that an important principle; and if I supposed the effect of this bill would be to remove from the halls of Congress all agitation in regard to the question of slavery hereafter; if I supposed that it would bury forever hereafter this whole question of abolition, I would sacrifice almost any of the other opinions which I entertain in order to vote for the bill."—See *App. Cong. Globe*, vol. 29, p. 775.

Extract of a speech of the Hon. JOHN PETTIT, of Indiana, (lately appointed Chief Justice of Kansas,) in the Senate of the United States, February 20, 1854:—

"There is one provision in this bill, however, which, in order that the bill may harmonize with provisions already adopted upon that subject, it would seem to me ought to be stricken out. It will be recollected that the people are expressly authorized to legislate upon all subjects whatsoever, slavery included. They may either establish or abolish it at their pleasure and at their will if the Constitution of the United States allows it. Such is my understanding of it, and such is my desire that it should be. But, to make the question plainer and clearer, and to rid it of all difficulties, I will suggest, if I do not move, the striking out of the following provision in the sixth section:—

"'That all laws passed by the Assembly, and approved by the Governor, shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of none effect.'

"My desire is to authorize the people of the Territory to legislate upon all legitimate subjects of legislation without let or hindrance by this government."—See *App. Cong. Globe*, 1st session 33d Congress, vol. 29, p. 212.

[The provision referred to by Mr. Pettit in reference to the laws being disapproved by Congress was subsequently stricken out.]

Extract of a speech of the Hon. A. P. BUTLER, of South Carolina, delivered in the United States Senate, March 2, 1854:—

"Now, I believe that under the provisions of this bill, and of the Utah and New Mexico bills, there will be a perfect *carte blanche* given to the Territorial Legislature to legislate as they may think proper. I am willing, as I said before, to trust the discretion and honesty and good faith of the people on whom we devolve this power; but I can never consent that they can take it of themselves, or that it belongs to them without delegating it; for I think they are our deputies, —limited, controllable deputies, not squatter

sovereigns. I am willing to say that the people of the Territories of Nebraska and Kansas shall be deputed by Congress to pass such laws as may be within their constitutional competency to pass, and nothing more. Is not that an honorable, fair, liberal trust to an intelligent people? I am willing to trust them. I have been willing to trust them in Utah and New Mexico, where the Mexican law prevailed, and I am willing to trust them in Nebraska and Kansas, where the French law, according to the idea of the gentleman, may possibly be revived."—See *App. Cong. Globe*, 1st session 33d Congress, vol. 29, p. 292.

Extract of a speech of the Hon. R. M. T. HUNTER, of Virginia, delivered in the United States Senate, February 24, 1854:—

"The bill provides that the Legislatures of these Territories shall have power to legislate over all rightful subjects of legislation consistently with the Constitution. And if they should assume powers which are thought to be inconsistent with the Constitution, the courts will decide that question wherever it may be raised. There is a difference of opinion among the friends of this measure as to the extent of the limits which the Constitution imposes upon the Territorial Legislatures. This bill proposes to leave these differences to the decision of the courts. To that tribunal I am willing to leave this decision, as it was once before proposed to be left by the celebrated compromise of the Senator from Delaware, (Mr. Clayton)—a measure which, according to my understanding, was the best compromise which was offered upon this subject of slavery. I say, then, that I am willing to leave this point, upon which the friends of the bill are at difference, to the decision of the courts."—See *App. Cong. Globe*, 1st session 33d Congress, vol. 29, p. 224.

Extract of a speech of the Hon. ROBERT TOOMBS, of Georgia, in the Senate of the United States, February 28, 1856:—

"We who passed this Kansas bill, both at the North and the South, intend to maintain its principles; we do not intend to be driven from them by clamor, nor by assaults, nor by falsehoods, nor by any other invention of its faithless and impotent assailants. These principles we expound for ourselves. We intend that the actual *bona fide* settlers of Kansas shall be protected in the full exercise of all the rights of freemen; that, unawed and uncontrolled, they shall freely and of their own will legislate for themselves to every extent allowed by the Constitution while they have a Territorial government, and when they shall be in a condition to come into the Union, and may desire it, that they shall come into the Union, with whatever republican constitution they may prefer and adopt for themselves; that in the exercise of these rights they shall be protected against insurrection from within and invasion from without. The rights are accorded to them without any reference to the result, and will be maintained, in my opinion, by the South and the North. I stood upon this ground in the passage of the bill. I shall maintain it with fidelity and honor to the last extremity." * * *

"Against all these conflicting efforts and opinions, the friends of the Constitution, justice, and equality have hitherto held, and will continue to hold, the scales of justice even and unshaken. We still tell all the owners of this public domain to enter and enjoy it, both in the North and the South, with property of every sort, exercise the full powers of American freemen, legislate for yourselves to any and every extent, and upon any and every subject allowed by our common Constitution. The Federal Government will protect you against all who attempt to disturb you in the exercise of these invaluable rights; and when you have become powerful and strong enough to bear the burdens, and desire it, we will admit you into the family of sovereigns without reference to your opinions and your action upon African slavery. Decide that question for yourselves, and we will sustain your decision, because it is your right to make it. This is the policy of the Kansas bill; it wrongs no man—no section of our common country."—See *Appendix Cong. Globe*, 1st Session 34th Congress, vol. 33, p. 116.

In alluding to the same subject in the Senate, on the 9th of July, 1856, Mr. TOOMBS again said:—

"I thought it was the duty of the Government to protect slave property in the Territories until they should come into the Union as States, and then let them do as they pleased. There was not a large party to sustain this doctrine; but I believed it was right then, and believe so now. But a large portion of the South and a great number of the North, true National men, said, 'Let us leave the people of the Territories to pass on this and all other domestic relations as far as the Constitution will allow.' I agreed to it. Congress adopted it and incorporated it into the bills of 1850. The Senator from Maine says it is not there. I offer him this evidence: three-fourths of the Senate, and those who supported those measures, say it is there. He has opposed both, but he undertakes to construe our meaning for us. I do not consider him a good expounder of others' creeds."—See *Appendix Cong. Globe*, 1st Sess. 34th Cong., vol. 33, p. 870.

Extracts of the speech of Hon. S. A. SMITH, of Tennessee, delivered in the House of Representatives, June 25, 1856:—

"The controlling minds in that hour (1850) which tried the strength of the band which binds us, (Cass, Clay, and Webster,) found no solution of the problem which they were compelled to solve, but in the great fundamental principle which relieved our fathers from like difficulties in the formation and adoption of the Constitution itself.

"For twenty years this question had agitated Congress and the country without a single beneficial result. They resolved that it should be transferred from these halls, that all unconstitutional restrictions should be removed, and that the people should determine for themselves the character of their local and domestic institutions under which they were to live, with precisely the

same rights, but no greater than those which were enjoyed by the old thirteen States.

"Excitement was intense and clamor loud, but the sober judgment of the people ratified the constitutional action of their representatives.

"In 1854 the same question was presented when the necessity arose for the organization of the Territories of Kansas and Nebraska, and the identical principle was applied for its solution. I, for one, as a Southern man, did not accept it with reference to any result which it might probably produce. I accepted it because it was constitutional, just, and safe, and because I believed it to be the only principle which could secure the legitimate rights of all sections of the Union. It had not merely the convictions of my own judgment to sustain it, but it had the sanction of the patriotism and wisdom of the Revolutionary fathers. If this great principle of popular sovereignty be justly carried out and sacredly maintained, it will give in time to come what we have enjoyed in the past—union, strength, prosperity, and happiness. If it be struck down by passion, fanaticism, or sectional prejudice, in either section of the Confederacy, I will not permit myself to contemplate the woes that await us." * * * *

"I say here, as a Southern man, and I believe the sentiment will be sanctioned by nearly every Southern man on this floor, that if a bill were introduced in Congress to establish slavery in Kansas or any other Territory of the United States, I should unhesitatingly vote against it. And this I would do notwithstanding I honestly believe African slavery to be a moral, a social, and a political blessing, applicable alike to the master and to the slave. Why, then, cannot the North meet us upon this common ground, and declare that they would not prohibit slavery by congressional enactment in any of the Territories of the United States? This would leave the people to be affected by the institution to determine the question for themselves in their own way, 'subject only to the Constitution of the United States.'"—*See Cong. Globe*, 1st Session 34th Congress, part 2, page 1471.

Extract of a speech of Hon. A. C. Dodge, of Iowa, in the United States Senate, February 25, 1854:—

"With this digression upon points wholly unlooked for in the discussion, and being a sincere believer in the doctrine of 'squatter sovereignty' in its fullest, broadest, deepest sense, I propose now, in my humble way, to offer some arguments in support of the bill for the organization of Nebraska and Kansas—it being in its present shape, or as its friends propose to make it, the noblest tribute which has ever yet been offered by the Congress of the United States to the sovereignty of the people." * * * *

"The addresses, resolutions, and petitions of the fathers of the Revolution, both in matter and spirit, touching the extent of the power of the Parliament of England to legislate for the colonies, are thoroughly imbued with the principles for which the advocates of non-intervention are to-day contending. The Continental Congress of 1774 declared that—

"'The English colonists are entitled to a free and exclusive power of legislation in their several provincial Legislatures, where their rights of representation can alone be preserved in all cases of taxation and internal polity.'

"The same principle seems to have governed the wise and patriotic men who framed our Constitution after the independence of the Republic was secured."

* * * * * * *

"And, sir, honesty, and consistency with our course in 1850, demand that those of us who supported the compromise measures should zealously support this bill, because it is a return to the sound principle of leaving to the people of the Territories the right of determining for themselves their domestic institutions."—*Appendix Cong. Globe*, 1st Sess. 33d Cong., vol. 29, pages 876, 877, 879.

Extract of a speech of the Hon. Thomas F. Bowie, of Maryland, in the House of Representatives, January 29, 1856:—

"If this be so—and I scarcely think it can admit of a doubt—it follows clearly that the rules and regulations which Congress is empowered to make respecting the territory or other property belonging to the United States, relate exclusively themselves to such rules and regulations only as may be needful for Congress to make in reference to the disposition, preservation, and management of such territory as the common property of all the States, and not to a class of powers entirely political in their nature, which have for their end only the establishment of forms of government for the protection and enjoyment of civil and religious freedom. This latter class of powers, sir, it seems to me, will more appropriately be found among those which were reserved by the people, and which the framers of the Constitution never intended should be surrendered to the Federal Government by any portion of the people of this country, whether living in the States or after-acquired Territories. The great struggle between the British crown, under the administration of Lord North, and the United Colonies, as to the right of the colonies to govern themselves in all cases whatever, had been finally closed by the establishment of that great fundamental political truth, that man is capable of self-government; and had the framers of our Constitution inserted in that instrument any provision inconsistent with that great truth, to be afterwards applied or enforced against the people of any of the States or after-acquired territories of the Union, they would, in my judgment, sir, have falsified every principle which induced the colonies to take up arms in defence of their own rights to separate and independent sovereignty. But, sir, I have not time to pursue these reflections further in the present condition of the House. I will take the opportunity of doing so at some other time."—*See Appendix Cong. Globe*, 1st Session 34th Congress, vol. 33, p. 56.

Extract of a speech of the Hon. George W. Jones, of Tennessee, delivered in the House of Representatives, December 28, 1855:—

"Then, sir, you may call it by what name you please—non-intervention, squatter sovereignty, or popular sovereignty. It is, sir, the power of the people to govern themselves, and they, and they alone, should exercise it, in my opinion, as well while in a territorial condition as in the position of a State. I would ask those who deny this doctrine, whether they are of my party or of any other party—whether they are from the North or from the South—to reconcile another provision of that act with the doctrine that neither this Government nor the people of the Territory have any power over this isolated question while in a territorial condition. Look to the Kansas and Nebraska act and you will there find prescribed the qualifications of voters. How long to continue, sir? Until the first election only. And the qualifications of voters and of holding office at all subsequent elections, shall be prescribed by the Legislative Assembly. Which is the higher prerogative of sovereignty, to prescribe the rights of property or to prescribe the qualification of voters? I hold that the highest prerogative of sovereignty is to prescribe the qualifications of voters—to draw the line between the citizen, the coequal constituent of sovereignty in a country, and the subject, vassal, or serf.

"I believe that the great principle—the right of the people in the Territories, as well as in the States, to form and regulate their own domestic institutions in their own way—is clearly and unequivocally embodied in the Kansas-Nebraska act; and if it is not, it should have been. Believing that it was the living, vital principle of the act, I voted for it. These are my views, honestly entertained, and will be defended."—*Cong. Globe*, 1st Session 34th Congress, part 1, p. 98.

Extract of a speech of the Hon. JOHN M. ELLIOTT, of Kentucky, delivered in the House of Representatives, August 4, 1856:—

"In 1854, the Democratic party, in order to carry out the spirit of the compromise of 1850, declared that the line in prohibition of slavery north of 36 degrees 30 minutes, known as the Missouri compromise line, was inoperative and void; and in forming territorial governments for Kansas and Nebraska, they inserted a provision leaving the question of slavery, as well as all other domestic questions, to be settled by the people of said Territories, just as had been done in the formation of the Territories of Utah and New Mexico, by the compromise measures of 1850."—*See Appendix Cong. Globe*, 1st Session 34th Congress, vol. 33.

Extract of a speech of Hon. JOHN S. CASKIE, of Virginia, delivered in the House of Representatives, May 19, 1854:—

"Now comes the question, is there any sufficient reason in the difference between myself and some of the friends of the Nebraska-Kansas bill in regard to the opinions I have just expressed, for division between us in reference to it, a hesitation on their part or mine in its support? I answer at once, there is none. The bill gives the inhabitants of Kansas and Nebraska all the rights which they possess under the Constitution, and none other, and leaves the decision of what those rights are to the courts. That is the agreement as to Territorial power, plain as a pike-staff on the face of the bill, and fair and honorable as it is plain. What says the bill?

"'It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.'

"I have heard objections to the strength of the word 'form' in this connection. But it will be observed that the clause in which it is used embraces the power of the people of Nebraska and Kansas over the institution of slavery not only while they are in the Territorial germ, but when they reach the state of development—a period at which their jurisdiction becomes exclusive and complete. The Constitution is made the measure of their power in both stages of their advancement. The language used in its definition is brief, plain, and apt, while the rule by which it is gauged is unerring.

"In other sections (sections six and twenty-four) the bill limits the legislative power of these Territories to 'all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act.'

"Now, is it not clear that Territorial sovereignty can be in the bill only if it is in the Constitution? if not in the Constitution, it is not in the bill. We make the judiciary the umpires of our difference on this point. This is a ground, and the only ground, on which just men united against the Missouri restriction, but divided as to an incidental question connected with it, can meet and stand together. If territorial sovereignty be in the Constitution, I hope I am patriot enough to yield my opposition to it. If it be not, I am sure my friends who differ from me about it are patriots enough to yield their advocacy of it. And so we go hand in hand to break down that disunion, 'middle wall of partition' which now separates sections, and to re-establish that broad brotherhood under which our independence was achieved, and on which our government is based. Can I object to the arbitrament to which the bill submits the question of Territorial authority to exclude slavery? Never while I retain the confidence I now have in the position I now hold; never until I can believe that the illustrious Carolinian—my political morning star—was no herald of the day; and that the whole host of Southern men were dolts, when in 1848 they proposed, upon far less inducements, to submit equally grave issues to the same tribunal."—*See Appendix Cong. Globe*, vol. 29, p. 1144.

Extract of a speech of the Hon. A. G. BROWN, of Mississippi, delivered in the United States Senate, July 2, 1856:—

"I learn now for the first time that the people

of a Territory have not the competence to regulate their own domestic and police matters in their own way, but that it belongs to Congress; that it is only in the higher branches that they have the right to regulate their own affairs in their own way. Am I to understand by this that the people of a Territory have the right, if they choose, to exclude or abolish slavery; and that if I believe, as a Southern man, such an abolition to be unconstitutional, I must go to the courts for the maintenance of my rights; and yet, if other measures of less importance, mere matters of police regulation, are adopted, they may come to Congress and beseech legislation to put it all right? If the major proposition includes the minor, as I suppose it does, and the people of the Territory have the right to legislate on these great questions for themselves, independent of the action of Congress, I apprehend they have an equal right to legislate for themselves on the smaller questions. I should like my esteemed friend from Connecticut to tell me where the line is; to what particular question it is applicable.

"Under the general phraseology of the Kansas bill, he admits the people of the Territory to have the exclusive right to legislate. I supposed, when we passed the bill, that we intended by it to give them a right to legislate on all subjects touching their domestic policy; and that if anybody was dissatisfied he should go to the courts, and not come to Congress for his remedy. This has been my understanding, and I have endeavored to live up to it. My friend from Michigan and myself differ very widely as to what are the powers of a Territorial Legislature; he believing that they can exercise sovereign rights, and I believing no such thing; he contending that they have a right to exclude slavery, and I not admitting the proposition, but both of us concurring in the opinion that it is a question to be decided by the courts, and not by Congress. If we are agreed on that, let us agree on this other proposition. If I had been the party aggrieved by the laws of Kansas, I knew the place to which I was pointed to seek my remedy. If others are aggrieved, let them go to the same place."—*Appendix to Cong. Globe*, 34th Congress, 1st sess., p. 801.

Extracts of the speech of the Hon. THOMAS L. CLINGMAN, at present Senator of the United States from North Carolina, in the House of Representatives, April 4, 1854:—

"This, in my judgment, is the best species of non-intervention. We say that the people of the Territory may legislate as the Constitution of the United States permits them to do, without the intervention of Congressional law, French law, Spanish law, Mexican law, or Indian law. It makes the Territory like a sheet of blank paper, on which our citizens may write American constitutional law."

* * * * * *

"It has been well said that there is a great resemblance between this issue and that involved in the struggle between the colonies and Great Britain at the Declaration of Independence. There is, however, one great striking difference between the two cases. The colonies in 1776 denied the right of Great Britain to tax them to the smallest extent; but the people of Kansas and Nebraska say to Congress, You may impose any amount of taxation upon us, and we will cheerfully pay it; you may make your own disposition of the public lands, lay off your military roads and post roads, and establish your forts and arsenals; you may subject us to the action of every law of Congress that the citizens of any State in this Union are subject to; but when you have done all that, when you have exhausted all your powers under the Constitution of the United States, then we ask the poor privilege of managing our local affairs according to our own wishes. And why should they not have it? Why should Massachusetts or North Carolina control the people of those Territories? Sir, the question stands upon the great republican right of every community to legislate for itself."—*Appendix Cong. Globe*, 1st Sess. 33d Cong., vol. 28, p. 488.

Extract of the speech of Hon. Z. KIDWELL, of Virginia, in the House of Representatives, August 11, 1856:—

"The people of Kansas and Nebraska are allowed, by the organic act, to pass such laws as they please, subject only to the Constitution of the United States. If a majority of the people of either of the Territories named are opposed to establishing slavery, and they pass an act prohibiting the introduction of *additional* slaves, many Southern statesmen believe such an act would be unconstitutional, while many Northern statesmen think it would not be. Which is right and which is wrong, the Supreme Court, under the Kansas-Nebraska act, would decide. This law does not take sides with either North or South, but leaves the question open for the decision of the Court, to which it rightfully belongs."—*Appendix Cong. Globe*, 1st Session 34th Congress, volume 33, page 1267.

Extract of a speech of the Hon. CHARLES J. FAULKNER, of Virginia, delivered in the House of Representatives, April 10, 1854:—

"But, sir, it may be that slavery will seek its expansion in Kansas and Nebraska; and if so, who, here, has the right to complain? It will be their own act—the act of the people of these Territories, and they surely are competent to determine for themselves, whether their social and political condition will be most advanced by its toleration or exclusion. They will not be without the most ample experience to guide them to a proper conclusion; and it is rank arrogance and folly for this Government to seek to control them upon a point upon which their own interests and instincts can far more safely instruct them, than they can be by the gratuitous advice of those who will never partake of the good or evil of their institutions.

"Sir, much obloquy has been cast upon the distinguished Senator from Illinois, for his agency in bringing forward this great measure. For one, I take this occasion to say that I honor him for it; and when the passion and the excitement of the hour have passed away, the country will do justice to the purity of his motives and

to the wisdom and sagacity of his act. Distinguished as he has been throughout his whole public career for enlarged, liberal, and comprehensive views, this act places him upon the highest pedestal of national statesmanship. The principles of this bill belong neither to the North nor to the South, but to the whole country. They are promulgated with no views to advance the interests of any one section, but to promote the peace and tranquillity of all. They embody the vital principle of the Constitution; they reflect the recorded wisdom of the sages of the Revolution. They are the principles of justice, of equality, of free government, of popular sovereignty, of perpetual union, every departure from which has filled the country with commotion, and left behind it the seeds of fraternal strife."—*Appendix Cong. Globe*, 1st Sess. 33d Cong., vol. 23, p. 488.

Extract of a speech of the Hon. JOHN H. LUMPKIN, of Georgia, delivered in the House of Representatives, August 2, 1856:—

"It became necessary, in 1854, to provide a government for the Territories west of Missouri; and the Democratic party of the Senate and House of Representatives, faithful to their pledges and to the Constitution of the United States, did, in framing governments for Kansas and Nebraska, incorporate the same principles, even to the very letter, of the language employed in the bill organizing territorial governments for Utah and New Mexico, and thus manifested their willingness to perpetuate the principles of non-intervention by any Congressional legislation on the purely domestic institution of negro slavery." —*See Appendix Cong. Globe*, 1st Sess. 34th Cong., vol. 33, p. 1128.

Extract of a speech of the Hon. ALBERT G. TALBOTT, of Kentucky, delivered in the House of Representatives, July 28, 1856:—

"Well, sir, the slavery agitation ceased, the country was quieted, the measures of 1850 were approved by everybody and by every section; the more the principle of non-intervention was investigated, the more popular and acceptable it seemed to be. Every one who looked at it and investigated it saw at once that it was only carrying out the great principle upon which our government is based—man's right and capability of self-government. They saw at once that it was only extending to the Territories precisely the same privileges which are now, and have been since the Government was first organized, enjoyed by every State in the Union. And in 1852 the Whig party and the Democratic party both met in national convention, and endorsed the principles of non-intervention, which had been so adopted in lieu of the Missouri restriction, in spirit and in substance."

* * * * * *

"Now, sir, I say that in view of all these facts, Congress could not have done otherwise than pass the Kansas-Nebraska bill, just as it is. It is just, constitutional, and right; it neither legislates slavery into nor excludes it from the Territories, but leaves the people thereof perfectly free to organize their own governments, and regulate their own domestic institutions for themselves. If, Mr. Chairman, the people are capable of self-government, who, in our country, will say they ought not to do it? If they have the right, who will say they shall not do it? If, then, they have both the capacity and the right, in reason's name, in the name of justice and our glorious Constitution, let them do it."—*See Appendix Cong. Globe*, 1st Sess. 34th Cong., vol. 33, p. 1240.

Extract of a speech of the Hon. MOSES NORRIS, Jr., of New Hampshire, in the Senate of the United States, March 3, 1854:—

"Now, sir, I understand the spirit and true intent of this clause of the bill to be, that the legislation of 1850, organizing the Territories of Utah and New Mexico, was grounded on the principle of the non-intervention of Congress with the institution of slavery or any other domestic institution in the Territories of the United States, and the States to be formed out of them, leaving the people free to form their own institutions for themselves; and that the principle of legislation thus agreed upon and established, as to Utah and New Mexico, ought to be final, not only as to these Territories, but as to all Territories organized after that time." * * *

"Now, I shall endeavor to maintain that the doctrine of non-interference on the part of the Federal Government with the institutions of the organized Territories was then established, leaving to the people of the Territories the rights of a free and popular government, with full power under the Constitution to form their own domestic institutions as they may deem best suited to their condition. I shall endeavor to establish that. I shall endeavor to establish another fact: that this measure of non-intervention was carried by the almost united vote of the North against the great mass of Southern Senators in this chamber, as establishing a principle on which the North could stand, and not as a mere expedient, temporary and limited in its operation, but as enduring. I will, by-and-by, appeal to the record in vindication of what I now say."—*Appendix Cong. Globe*, 1st Sess. 33d Cong., vol. 29, p. 305.

Extract of a speech of Hon. JOHN B. WELLER, of California, in the United States Senate, February 13, 1854:—

"But, sir, if this be a question between slavery and freedom, then the friends of this measure hold the freedom side of the question. We propose that the people, the original source of all power, those who spoke this government into existence, and whose agents we are, shall be allowed to decide for themselves what local institutions shall exist among them. On the other hand, the opponents of the measure advocate slavery. They contend that the American people shall not exercise this right; that their minds shall be enslaved; that their hands shall be tied up, and they prevented from a free

decision whether slavery shall exist there or not. We occupy the broad ground of freedom. We have an abiding confidence in the honesty and in the intelligence of the people. We are not afraid to trust them with the decision of this question. How stands it with you? I had supposed that you were the agents and representatives of the people; but it seems that the servant has become wiser than the master. You, who are invested with political power, are claiming now that you are better judges of what sort of government the people should have than the people themselves. Is this so? Is there that vast amount of intelligence and of patriotism in the American Congress which makes us far better judges of what the people should have than the people themselves? Our whole system is based upon the principle that man is capable of self-government. The moment you violate this principle, that moment you transcend your authority and destroy the vital elements of the republic.

"We propose that this, like all other questions, shall be left to the free decision of the people."—*Appendix Cong. Globe*, 1st Sess. 33d Cong., vol. 29, page 200.

Extract of the speech of the Hon. Wm. H. English, of Indiana, delivered in the House of Representatives, May 9, 1854:—

"Mr. Chairman, I do not choose, on this occasion, to express any opinion as to the power of Congress to legislate for the Territories, because the impropriety of exercising such power is so clear, to my mind, as to make the consideration of the constitutional question entirely unnecessary.

"I am willing, as I said upon a previous occasion, to trust the people with the power of regulating their domestic institutions in their own way, not only under State government, but through their regularly-constituted Territorial Legislature. I hold that if the people are of sufficient numbers and importance to merit a Territorial government at all, they are capable of governing themselves. A man who has exercised the attributes of a free citizen in Indiana, or any other State, loses none of his powers of self-government by emigrating to a Territory. Is he less virtuous, less intelligent, less imbued with the spirit of patriotism and love of country because he resides in a Territory and not in a State? Is he less an object of government regard because he has gone into the wilderness to endure the hardships of frontier life in preparing a way for that tide of population, civilization, and empire which still flows to the West? Sir, such men can be trusted. I would refer the question of slavery, and all other questions, to them—to that best and safest of all tribunals—the people to be governed. They are the best judges of the soil, and climate, and wants of the country they inhabit, and they are the true judges of what will best suit their own condition and promote their welfare and happiness.

"And, sir, I am surprised, that in this republic, in the year 1854, any party should be found to deny the privilege to such organized State and Territory of the Union of regulating their domestic institutions in their own way, subject to the Constitution, and, more particularly, that such anti-republican doctrines should be advanced by any one claiming to be a member of the Democratic party."—*Append. Cong. Globe*, 1st Sess. 33d Cong., vol. 29, page 608.

Extract of a speech of Hon. Moses Macdonald, of Maine, delivered in the House of Representatives, April 10, 1854:—

"Pass this bill, give to the people of the Territories the right to determine for themselves the question whether they will tolerate slavery or not, and the question becomes local. No longer will there be inducements, and most certainly no propriety in discussing the question at the North or in non-slaveholding communities.

"The bill commends itself especially to my own mind, because it contains the principle that the people of the Territories shall regulate their own domestic affairs. This right was the great feature of the Territorial bills of 1850, and is 'the lion in the path of agitation.' The doctrine that all just powers are derived from the consent of the governed, addresses itself to the dignity of man, and teaches him the lesson that his rights are not the grant of an earthly government, but 'the free gift of the King of kings.' Sir, the sovereignty of the people, their right to rule in political affairs, was first proclaimed in the ears of the Old World by our own Declaration of Independence. The tenacity with which our forefathers clung to this doctrine is written in the blood and carnage, the suffering and self-denial, of the American Revolution. As the basis of permanent government, this principle was first recognized in the American Constitution. 'We, the people, do ordain and establish government,' are words of power which caused the kings of the earth to fear and tremble like Belshazzar of old, when the finger of a man's hand wrote over against the candlestick upon the plaster of the wall these words of fearful import, 'mene, mene, tekel, upharsin.' Our great growth as a nation, and our great prosperity as individuals, under the benign influence of the Constitution, are the legitimate fruit of the great truth that man is capable of self-government. This principle, sir, runs through the whole structure of our governmental organization. It is the central sun of our system, around which revolve all other lights."

* * * * * *

"Sir, the whole head and front of the offending of the Nebraska bill hath this extent—no more: that it allows the people of the Territory to regulate their own affairs."—*See Appendix Cong. Globe*, 1st Sess. 33d Cong., vol. 29, p. 514.

Extract of a speech of Hon. John R. Thompson, of New Jersey, in the Senate of the United States, February 28, 1854:—

"The principle of this bill is the principle of self-government, a principle which alone prompted the Declaration of Independence

Sir, it was the seminal principle of the Constitution and the government. It lies at the foundation of all our political institutions. It is the inalienable birthright of every American freeman. The recognition of this principle has been universal in our country, with the single exception of the anomaly of dictating to the people of the Territories (in some instances) their organic laws, instead of leaving them, like the rest of the people, to the exercise of their own volition. At this moment the country resounds with clamor from a political party, whose policy it is to keep alive agitation, because it is proposed that Congress should abjure the exercise of irresponsible power, and leave the people of the Territories established by this bill to the enjoyment of their rights of self-government."—*Append. Cong. Globe*, 1st Sess. 33d Cong., vol. 29, p. 255.

Extract of a speech of Hon. RICHARD BRODHEAD, of Pennsylvania, in the United States Senate, February 28, 1854:—

"But, sir, is not the bill correct in principle, and will it not work as well in practice as any other which can be adopted? Does it not give the people of the Territories the right to regulate their own domestic affairs in any way they please, not in violation of the Constitution of the United States? We are not asked to give protection to property in slaves, or say that the local Legislature shall not pass laws upon the subject of slavery. We do not say whether the slaveholder can or cannot hold a slave there by virtue of the Constitution; that is left an open question to be decided by the Supreme Court of the United States. And who can object to that? But, sir, if we put a provision in the bill that up to the time of the formation of a State Constitution the owners of slaves should lawfully hold them there, it would be of no service to them, because there would be no local police; so that the mere refusal of the Territorial Legislature to provide for the manner in which they shall be held and sold and treated, and penalties for harboring them, &c., would effectually exclude them."—*Appendix Congressional Globe*, 1st session 33d Congress, vol. 29, p. 249.

Extracts of a speech of Hon. WILLIAM BIGLER, of Pennsylvania, in the United States Senate, July 1, 1856:—

"In 1850, when the peace of the country seemed to be in imminent danger, the experienced men of this body, such as Mr. Clay and Mr. Webster, and the venerable Senator in front of me, Mr. Cass, and others, conceived and presented a new mode of adjustment. That was simply to take this question out of Congress and confide it to the people of the Territory—to submit it to their judgment and their will. For one, I thought the principle an admirable one. It seemed to me that it ought to give entire satisfaction to the country, and that it would have a salutary influence upon our national relations —a principle so perfectly in unison with our whole republican system of government, a mere recognition and extension to the Territories of that vital principle of self-government—a principle suited to all times, all occasions, and all territories, and as imperishable as our mountains—no temporary remedy, no arbitrary rule, no perishable expedient, but simply this: that as the people of a State can at all times settle this question of domestic policy for themselves, Congress will enforce that the people of a Territory shall have the same opportunity—that that power which is to be complete and exclusive when the people become a State should operate during the territorial existence. Not only because it was perfectly right in principle, but because I believed it would be wise in practice, I preferred it to any which had previously been practised in the Government, or any other idea presented at the time antagonistic to it."—*Appendix Congressional Globe*, 1st session, 34th Congress, vol. 33, pages 720, 730.

Again, on the 9th of July, 1856, in the Senate, when Kansas affairs were under discussion, Mr. BIGLER said:—

"I want to put myself right on another point. I mean the question of the measure of power which the territorial legislature can exercise over the subject of slavery. On this point no man can misunderstand the import of the language of the Kansas bill; it is explicit to the effect that the people shall be left perfectly free to decide the question according to their own pleasure; but it is a question of what degree of lawmaking power it is competent for Congress to confer upon the people and legislature of a territory. It is a question of construing the constitution, and therefore a judicial question, which I am not called upon to decide. But, sir, I have no views to conceal; I agree with the Senator from Michigan, that the territorial legislature has entire control over the subject—is competent to establish, abolish, or protect it. I can see but two sources of law-making power for the Territory: the one is Congress, the other is the people who inhabit the Territory; and it seems to me, that when Congress has conferred upon the people all the power it possessed, as in the case of Kansas, the people, through their local legislature, have an ample law-making power, equal to the control of the slavery or any other question."—See *App. Cong. Globe*, vol. 33, p. 843.

Extract of a speech of the Hon. LAWRENCE O'B. BRANCH, of North Carolina, in the House of Representatives, July 24, 1856:—

"But it is said the bill allows the people resident there to prohibit the introduction of slavery before their admission into the Union. It contains no such feature. The thirty-second section declares its intent to be 'to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' If the Constitution allows them to prohibit slavery, then the bill permits it; if the Constitution does not allow them to prohibit slavery, then the bill does not permit it. The power of the people during the existence of their territorial government is a judicial question, to be settled by the courts, if a case should ever arise

involving the question; and whatever Congress might have said in the bill, it could not have altered the Constitution, nor taken the question out of the hands of the *Courts*. Whatever may be the decision of the Courts, I will be content; for I regard the great main feature of the bill as infinitely transcending in importance any of the minor questions that can be raised under it. and I would rather trust the question to the people of the Territory than to such a Congress as we now have, and are liable to have at any time in the future."—*App. Cong. Globe*, 1st session 34th Congress, vol. 33, pp. 1021, 1022.

Extract from the speech of Hon. HARRY HIBBARD, of New Hampshire, in the House of Representatives, May 8, 1854:—

"As such the country understood and accepted it. It, sir, is the great and distinguished feature of the pending bill. It is embodied there in the following words:—

"'It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.'

"This, sir, is plain and explicit. It enumerates the broad doctrine of non-interference on the part of the Federal Government with the institution of slavery, and the control and regulation thereof by the States and Territories concerned. It is a principle which, to be understood, needs but to be stated, and to be approved needs but to be understood. It addresses itself to all our notions of expediency and right. It appeals to our strongest sympathies, is strengthened by our traditions, and sanctioned by all our experience as individuals and as a people. It is peculiarly congenial to the American mind, and dear to the American heart. Attachment to it the most unyielding has it. all ages been a distinguishing characteristic of the race from which we sprung. Upon it the framework and the details of our system of government, State and national, are based. For it the battles of the Revolution were fought. It was not for the money sought to be extorted by the stamp-act, and the duties on tea and sugar, that our forefathers embarked in that perilous struggle. It was, sir, because a vital principle was involved —their right of self-government was at stake—there was to be taxation without representation —they were to be made subjects of an uncontrolled central power. For this they took up arms; with God's blessing they triumphed. The principle they established has been sacredly cherished, and will be faithfully maintained. It is the ground on which all our local and municipal institutions rest. It insists first upon national independence and separate sovereignty. It would leave to the central Government no power the State can properly exercise—to the State, no function which may as well be performed by the county—to the county, nothing that can as well be done by the town. It delegates to no human hands any power or prerogative which the individual citizen may with safety to others retain to himself. Its results are popular sovereignty, State rights, and individual freedom. Wherever understood and applied, it has been in all lands and ages the surest safeguard of civil liberty,—the strongest barrier against the encroachments of arbitrary power. That principle, sir, lies at the foundation of this bill. As a supporter of the Compromises of 1850, I voted for it then,—I stand upon it now."—*App. Cong. Globe*, 1st session 33d Cong., vol. 29, p. 624

Extract of the report of the Senate Committee on Territories, (Mr. Douglas, chairman,) March 12, 1856:—

"Your Committee have not considered it any part of their duty to examine and review each enactment and provision of the large volume of laws adopted by the Legislature of Kansas, upon almost every rightful subject of legislation, and affecting nearly every relation and interest in life, with a view either of their approval or disapproval by Congress; for the reason that they are local laws, confined in their operation to the internal concerns of the Territory, the control and management of which by the principles of the Federal Constitution, as well as by the very terms of the Kansas-Nebraska act, are confided to the people of the Territory to be determined by themselves, through their representatives, in their local Legislature, and their assent to the laws upon which their rights and liberties may all depend. Under these laws marriages have taken place; children have been born; deaths have occurred; estates have been distributed; contracts have been made; and rights have accrued which it is not competent for Congress to divest. If there can be a doubt in respect to the validity of these laws, growing out of the alleged irregularity of the election of the members of the Legislature, or the lawfulness of the place where its sessions were held, which it is competent for any tribunal to inquire into with a view to its decision at this day, and after the series of events which have ensued, it must be a judicial question over which Congress can have no control, and which can be determined only by the courts of justice, under the protection and sanction of the Constitution."—*Senate Report, No. 34, from the Committee on Territories*, 1st session 34th Congress.

Extract of the National Democratic Platform adopted at Cincinnati, June, 1856:—

"And that we may more distinctly meet the issue on which a sectional party subsisting exclusively on slavery agitation now relies to test the fidelity of the people, North and South, to the Constitution and the Union:

"1. *Resolved*, That, claiming fellowship with and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue,—and repudiating all sectional parties and platforms concerning domestic slavery which seek to embroil the States and incite to treason an armed resistance to law in the Territories, and whose avowed purposes if consummated must end in civil war and disunion,—the American Democracy recognize and adopt the principles contained in the

organic laws establishing the Territories of Kansas and Nebraska, as embodying the only sound and safe solution of the 'slavery question' upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union,—non-interference by Congress with slavery in State and Territory, or in the District of Columbia.

"2. That this was the basis of the compromises of 1850, confirmed by both the Democratic and Whig parties in National Conventions,—ratified by the people in the election of 1852,—and rightly applied to the organization of Territories in 1854.

"3. That by the uniform application of this Democratic principle to the organization of Territories and to the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of this Union insured to its utmost capacity of embracing in peace and harmony any future American State that may be constituted or annexed with a republican form of government."

[This platform was adopted unanimously by the convention, the vote being taken by States, and each delegation casting their united vote in its favor.]

Extracts of the letter of acceptance of Mr. BUCHANAN of the nomination of the Cincinnati Democratic Convention, June 16 1856:—

"In accepting the nomination, I need scarcely say that I accept, in the same spirit, the resolutions constituting the platform of principles erected by the Convention. To this platform I intend to confine myself throughout the canvass, believing that I have no right, as a candidate of the Democratic party, by answering interrogatories, to present new and different issues before the people." * * * *

"The agitation on the question of domestic slavery has too long distracted and divided the people of this Union, and alienated their affections from each other. This agitation has assumed many forms since its commencement, but it now seems to be directed chiefly to the Territories; and, judging from its present character, I think we may safely anticipate that it is rapidly approaching a 'finality.' The recent legislation of Congress respecting domestic slavery, derived, as it has been, from the original and pure fountain of legitimate political power, the will of the majority, promises, ere long, to allay the dangerous excitement. This legislation is founded upon principles as ancient as free government itself, and in accordance with them has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits.

"The Nebraska-Kansas act does no more than give the force of law to this elementary principle of self-government, declaring it to be the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' This principle will surely not be controverted by any individual of any party, professing devotion to popular government. Besides, how vain and illusory would any other principle prove in practice in regard to THE TERRITORIES! This is apparent from the fact admitted by all, that after a Territory shall have entered the Union, and become a State, no constitutional power would then exist which could prevent it from either abolishing or establishing slavery, as the case may be, according to its sovereign will and pleasure."

Extract of the remarks of Hon. THOMAS L. CLINGMAN, of North Carolina, in the Senate, February 23, 1859, in the debate which occurred as to the "true intent and meaning" of the Kansas-Nebraska act:—

"I never heard of gentlemen, either in this House or the other, expressing the opinion that *Congress was to interfere in any contingency with the Territories.* I may be mistaken; but while I remember many opinions explaining it, as they understood it, *I do not remember any one opinion adverse to this.* Gentlemen differed as to how much power was to be given under the act, [Kansas-Nebraska.] Gentlemen of the North said—some of them, at least—that, under that act, they thought the territorial legislature might prohibit slavery: other gentlemen said they thought they could not prohibit it; *but all agreed that the power Congress had was to be turned over upon the Territory, and they were to legislate on the subject, under the constitution and the construction of the courts upon their acts.* Now a contingency is presented which was not foreseen. It is said, if a bill is introduced I shall be willing to examine it; but I do submit to gentlemen, ought we to go into a discussion of this abstraction of non-intervention, and what it means, upon an issue that is not raised in any way by the proposition of the Senator from New Hampshire?

"I did not, when I got up, intend to say a word about it, but having been an actor in those scenes, having read and heard many speeches on the subject, I think it proper to these gentlemen of the North to say, that so far as I know, *I never heard it denied but that Congress was going to abandon to the Territories the power of legislation upon the subject of slavery and all questions connected with it.* We of the South contended that we had the right to legislate, and ought to protect; but we came to the conclusion, that on the whole *we would rather trust the Territory than Congress.* Congress we knew was against us; whenever the subject was up, a majority was voting for the proviso, (Wilmot.) And we thought further, that if a majority of the Territories were against us, any legislation here would be futile. While, by sending an army to Boston, you could bring away a runaway negro against the wishes of the people, *you could not expect to enforce a system on a Territory hostile to it. I think we acted wisely in turning it over to the Territory.* I say this, however, not wishing to pursue the

subject."—*Cong. Globe*, 2d session, 35th Congress, p. 1264.

Remarks of Hon. JAMES S. GREEN, of Missouri, (now a Senator of the United States,) in the House of Representatives, on his amendment to the bill to "establish a Territorial Government for Upper California," February 27, 1849:

"Mr. Green moved to amend the 12th section by striking out in the second line the words '*shall be*' and inserting 'ARE.'

"He said his object in proposing this amendment was simply *to set the rights of the people of that Territory in their proper light before this House and before the country.* It was asserted by gentlemen from the North and from the South, of both political parties, that *the people of the Territories* WERE ENTITLED *to the rights, privileges, and immunites of American citizens.* He proposed, therefore, to strike out the words '*shall be,*' because they implied the power on the part of Congress to confer these rights; that they emanated from this body, and *were* NOT *rights existing as the peculiar,* INHERENT RIGHTS *of American citizens.*

"Let them legislate understandingly on all these points. Let them say to the people of the Territories, *You are true American citizens; you have the rights of American citizens; we pretend not to confer those rights upon you.* It was asserted by some that the people of the Territories could exercise no power, except it was conferred upon them. It was asserted, on the other hand, that they had certain inherent rights. If Congress held that they had the inherent rights of self-government, the rights of American citizens, *let them* NOT PRETEND *to confer those rights upon them*; let them so word this section, that after-generations could understand their legislation, *and all see that they recognized the inherent right of the people to govern themselves according to the principles of universal liberty.*

"Those PRINCIPLES MUST BE ESTABLISHED; and whatever might be the action of this House to-day, whatever might be the action of Congress for years to come, *these principles were taking root*, they *would grow and strengthen until their existence should be recognized and approved*, NOT ONLY IN THE STATES, BUT IN THE TERRITORIES; and in the furthest extremities of this Union, wherever an American citizen was found, HIS RIGHTS OF SELF-GOVERNMENT *would be acknowledged.* He offered this amendment, not for the purpose of producing excitement, not to stir up feeling, but because *he believed it was* IN PERFECT CONSONANCE *with the rights of self-government, to which we all subscribe.*"—*Cong. Globe and App., vol. 20, p. 607.*

Extract of the speech of Hon. WILLIAM T. HAMILTON, of Maryland, in the House of Representatives, on the Kansas-Nebraska bill, May 19, 1854:

"This part of the section *with respect to the legislative power* is subject to two interpretations, or constructions, and only two: *First*, either that the people there have the full right and power to determine, control, and regulate all their domestic institutions whilst they are in a Territorial condition, or secondly, that this right only applies when they come to form themselves into States, and not before. One or the other of these constructions must be taken. I will take either, *and sustain the bill.* But if the power given by this construction, by which the people, whilst in a Territorial condition, possess this power, be taken and denounced as 'squatter' sovereignty—a term, by-the-by, I do not clearly understand or comprehend; but admit it—admit that the people of the Territory have the full and undoubted power, under this bill, to manage for themselves at all times their local institutions; I put it to gentlemen from the South, I put it to Republicans everywhere all over the Union, whether they prefer the Missouri line, the Missouri exclusion, 'the Wilmot proviso,' *to this power of the people to decide for themselves.*

* * * * * * * *

"Mr. Chairman, you now have the Missouri line; you have the Missouri prohibition; you have the modern 'Wilmot proviso' And you are, by your action on this bill, to support and cherish it, or you are to repeal, annul, destroy it. Which will you do? For myself I can speak. *I prefer the right and the power of the people*, under the Constitution of my country. *I prefer to trust to those who, leaving their homes here, go to our far distant Territories*, the wild and rugged wilderness, to form for themselves their own little communities, to plant the foundations of future and great States, and TO DETERMINE FOR THEMSELVES THEIR DOMESTIC INSTITUTIONS. *I do this* BECAUSE IT IS RIGHT, and in accordance with my sympathies; because the condition of the Territory and of the country *makes it expedient and will justify it*—because there is no overruling necessity why it should be otherwise; why Congress legislated this prohibition on it in 1820, and why it should be continued; why Congress should legislate, or why its legislation, if wrong and injudicious, should be continued and enforced."—*Appendix Con. Globe, vol. 20, pp. 821, 822.*

Extract of the speech of Hon. JUDAH P. BENJAMIN, of Louisiana, in the Senate, May 25, 1854, on the Kansas-Nebraska bill, in reply to certain remarks of Senator WADE, of Ohio:

"May I not say that he [Mr. WADE] has looked at the bill with a jaundiced eye? Who can find upon its face that an empire is open to the invasion of slavery? Sir, it does not provide expressly for the admission of slavery. *He cannot pretend that* SLAVES ARE TO BE CARRIED THERE *under the behests of this enactment.* The bill merely declares that that Territory is to be open and free, that every citizen may go there; *and when he goes there*, THAT HIS VOICE MAY BE HEARD *in establishing the institutions that are to govern him.* That, sir, is the whole scope of the bill."—*Append. Cong. Globe, vol. 29, pp. 767, 768.*

Extract of speech of Hon. JOSEPH HOLT, of Kentucky, now Postmaster General of the United States, at Frederick, Maryland, in 1856:

"The right of the people to govern themselves is a principle which underlies all our institutions, and has been recognized alike in their origin and in every mode of their action. *This is an original right inherent in them, and is in no sense a derivative one.* In those countries where men are serfs, and are attached to and pass with the soil and its incidents, the proprietorship of that soil carries with it political power over its inhabitants. In our land, however, directly the opposite system prevails; men being the principle, and the soil the incident, in *them resides the authority to regulate, by legislation, their domestic affairs.*

* * * * * * * *

"From analogy, then, the same necessity which is at once the origin and the limit of its [the Federal Government] powers in reference to the States, *should be so likewise in regard to the Territories.* This view is fortified by the remarkable words of the Constitution: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, *or to the people.*' The term 'people' here employed has clearly reference *to the inhabitants of the Territories*, and in thus recognizing their political capacity, the Constitution places them under the same broad shelter against Federal aggression which the States themselves enjoy. *The power then to regulate their domestic concerns is thus reserved to the people of the Territories, because not prohibited by them, and not expressly delegated to Congress.* If Congress can regulate the relation between master and servant, so it can between husband and wife, parent and child, guardian and ward, and thus all the local legislation of the Territory would be absorbed and ingulfed by a body ignorant of its wants and wishes, and in which the people of the Territory have no voice. This would be anti-republican, to the last degree impolitic, and a useless and wanton violation of all the analogies of our popular form of government.

* * * * * * * *

"*Congress has never sought to give civil or criminal codes to the Territories after their organization; it has not defined the rights of property, regulated matters of police, established or controlled the institution of marriage, but has left all these great interests to the care and management of the local Legislatures. Does not the institution of slavery stand upon precisely the same footing?* IT SEEMS TO ME UTTERLY IMPOSSIBLE TO DISTINGUISH IT FROM THE OTHER SUBJECTS OF LOCAL LEGISLATION TO WHICH I HAVE REFERRED."

Extract of the Address of the DEMOCRATIC NATIONAL EXECUTIVE COMMITTEE, of which Hon. CHAS. J. FAULKNER, of Virginia, was Chairman, to the Democracy of the United States, in 1856:

"Finally, in 1850, after a period of great agitation throughout the country, the leading patriots and wise men of both parties, such as Clay, Webster, Cass, and others, decided upon leaving this question where it always ought to have been left, and where the true spirit of our institutions places it—IN THE HANDS AND UNDER THE CONTROL OF THE PEOPLE OF THE TERRITORIES THEMSELVES, restrained only by the Constitution.

"The whole nation rejoiced in this wise adjustment, and all parties claimed it as a finality as to this principle of Territorial organization. For once the question of slavery in the Territories was settled upon the principles of our Revolutionary fathers, who demanded a voice and a vote in regulating their own institutions: the same great fundamental principles of human government which underlie and uphold our whole republican system—principles suited to all Territories and to all times, and as broad and enduring as eternal truth. This form of adjustment was denominated NON-INTERVENTION BY CONGRESS—SELF-GOVERNMENT BY THE PEOPLE OF THE TERRITORIES."

APPENDIX.

HENRY CLAY FOR POPULAR SOVEREIGNTY AND SELF-GOVERNMENT BY THE PEOPLE IN THE TERRITORIES.

Extract of Speech of Hon. HENRY CLAY, of Kentucky, in the Senate, June, 1850, on the Compromise Measures, in reply to Mr. JEFFERSON DAVIS, of Mississippi:

"Mr. CLAY." * * * * "The clause itself was introduced into the bill by the committee for the purpose of tying up the hands of the Territorial Legislature in respect to legislating at all, one way or the other, upon the subject of African slavery. It was intended to leave the legislation and the law of the respective Territories in the condition in which the act will find them. I stated on a former occasion that I did not, in committee vote for the amendment to insert the clause, though it was pro-

posed to be introduced by a majority of the committee. I attached very little consequence to it at the time, and I attach very little to it at present. It is perhaps of no particular importance whatever. Now, sir, if I understand the measure proposed by the Senator from Mississippi, it aims at the same thing. I do not understand him as proposing that if any one shall carry slaves into the Territory,—although by the laws of the Territory he cannot take them there,—the legislative hands of the territorial government should be so tied as to prevent it saying he shall not enjoy the fruits of their labor. If the Senator from Mississippi means to say that—

"Mr. DAVIS. I do mean to say it."

"Mr. CLAY. If the object of the Senator is to provide that *slaves may be introduced into the Territory contrary to the lex loci, and being introduced, nothing shall be done by the Legislature to impair the rights of owners, to hold the slaves thus brought contrary to the local laws, I certainly cannot vote for it.* In doing so, I shall repeat again the expression of opinion which I announced at an early period of the session."—*Cong. Globe, vol. 21, part 1, p. 1003.*

Extract of Speech of Hon. HENRY CLAY, of Kentucky, in the Senate, July 22, 1850, on the Compromise bill:

"The provisions of the bill are that *the people are left free to do as they choose.* There is, indeed, one provision which *did not meet with my approbation*, and with which I would have been better satisfied had it been left out; and that is the provision which does not permit *the Government of the Territories to establish or* PROHIBIT *slavery.*"—*Append. Cong. Globe, vol. 22, part 2, p. 1410.*

Again; on the 30th of July, 1850, speaking on the motion of Mr. NORRIS, of New Hampshire, to strike out that provision of the bill which "did not meet his approbation," Mr. CLAY said:

"The clause is an interdiction imposed by Congress upon the local Legislature either to introduce or to exclude slavery. Now, sir, it seems to me *that Congress has* NO *such* POWER according to the Southern doctrine. *That doctrine is one of clear and clean* NON-INTERVENTION. The amendment in the bill, on the contrary, assumes the power to exist in Congress, which is denied. For if Congress possesses the power to impose this interdiction, Congress has the power to impose the Wilmot Proviso. The only difference is, that the action of Congress in the one case is *direct*, and that the action of Congress in the other case is *indirect*. It appears to me, therefore, that upon THE GREAT PRINCIPLE [*Non-Intervention*] upon which Southern gentlemen have rested the support of their rights, *they ought to oppose the exercise of this power by Congress to interdict the local Legislature.*"—*Append. Cong. Globe, vol. 22, part 2, p. 1466.*

Mr. CLAY subsequently voted for the motion of Mr. NORRIS, to strike out from the Compromise bill the provision by which the Legislature of the Territory of New Mexico was interdicted from passing any law "establishing or prohibiting African slavery," and thus left the Legislature free either to establish or prohibit it.—See *App. Cong. Globe, vol. 22, part 2, p. 1473.*

NO NEW PLANK IN THE DEMOCRATIC PLATFORM.

Extract of the speech of Hon. ROBERT TOOMBS, delivered in Georgia, in September, 1859,—NO NEW PLANK IN THE DEMOCRATIC PLATFORM:—

"From the day of the adoption of the present Constitution to this hour, the Federal Government have claimed and exercised the right to govern the Territories according to their own will and pleasure, subject only to the Constitution of the United States. It has steadily claimed and exercised the powers to control their legislation in all cases whatsoever, without question or protest; therefore, neither in principle nor authority has this new position of Senator Douglas a single leg to stand upon. Yet I do not belong to those who denounce him; the organization of the Democratic party leaves this an open question; he is at full liberty to take either side he may choose, *and if he maintains his ancient ground of neither making nor accepting new tests of political soundness, I shall still consider him a political friend, and will accept him as the representative of the party whenever it may tender him;* and in the meantime, *if he should even wander after strange gods*, I do not hesitate to tell you that, *with his errors*, I prefer him and would support him to-morrow against any Opposition man in America.

"I have but a single point remaining to present to you on this occasion. *We are told that we must put a new plank in the Democratic platform, and demand the affirmance of the duty of Congress to protect slavery in the Territories, whenever such Territories fail to discharge this unquestionable duty.* Some of the Opposition leaders say if you will do that we will act with you. Now, I reply, I do not think it wise to do the thing proposed; and, in the second place, I do not think the inducement proposed helps the proposition. While I have already asserted full and complete power in Congress to do this thing, I think, with Mr. Madison, that such a power should be most prudently and carefully exercised; that it ought not to be exercised until the occasion for it is imperative. There has been no occasion for its exercise from 1789 to this hour; there is no case to-day calling for it, and I am more than willing that the Territories shall continue to govern themselves in their own way, so long as they respect the rights of all the people of the States and their own fellow-citizens. I will not insult them by supposing them capable of disregarding the Constitution as expounded by the Supreme Court: I will not insult them by assuming that they are incapable of honest self-government, and are capable of abusing power to the injury of their fellow-citizens. If they should show themselves incapable of honestly exercising the powers with which we have intrusted them, perhaps the judiciary may be adequate to right the wrong. It may be that the powers of the Executive may be adequate to that purpose; but if all these safeguards fail, I shall then be prepared to protect all the rights of all the people in the Territories as well as elsewhere by all the powers of the Government. *But I shall prescribe no new tests of party fealty to Northern Democrats;* those who remain of them have hitherto stood with fidelity and honor upon their engagements. They have maintained the truth to their own hurt; they have displayed a patriotism, a magnanimity, rarely equalled, never excelled, in the world's history; and I shall endeavor, in sunshine and storm,—*with your approbation if I can get it, without it if I must,—to stand by them with a fidelity equal to their great deserts.* If you will stand with me and them, we shall conquer faction in the North and in the South."